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Supreme Court, U.S.
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No.

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1986

GREGORY JONES, BY AND THROUGH
HIS NEXT FRIEND, LARRY JONES,

Petitioner,

v.

UNIVERSITY INTERSCHOLASTIC LEAGUE, ET. AL.,

Respondents.

PETITION FOR WRIT OF CERTIORARI

TO THE SUPREME COURT OF TEXAS

APPENDIX III

STATEMENT OF FACTS ("S.F.")
(Pages 316 to 604)

controversy, or that sort of thing. That would be all we would discuss but who plays is his decision.

Q. All right. If you'll listen to this question.

A. All right.

Q. In the fall of 1984 did you have to have any conferences with Coach Overton about any quarterback controversy at Irving McArthur at all?

A. Yes.

Q. And what was that controversy?

A. WE talked in terms, and I can't give you the exact date, but I went to Coach Overton's office and probably in the fifth or sixth ballgame of the year to discuss this, and if you want -- it was a personal conference, rather than an athletic director coach conference. I would really thinkt hat

more than anything else, about where his ball club was and we simply talked in those terms.

Q. And what did you tell him, what did you two talk about?

A. I don't tell him anything. I listened to his situation and -- because it

Q. Well, what was the controversy that you were talking about?

A. The controversy?

Q. That was my question. In the fall of '84, did you talk about any controversy of any kind, quarterback, center,

personal, any other kind of controversy with Coach Overton? Do you recall ever talking about any kind of controversy with him during the fall of 1984?

A. I don't like the word controversy. I don't think the conference was about a controversy, no.

Q. So, did you have any conferences about controversy?

A. No.

THE COURT: Leg me use the word. How about a concern?

THE WITNESS: Yes, a concern is a better word.

THE COURT: We all have concerns.

A. You know, a concern -- a controversy to me is that you feel like someone might be in jeopardy or the people might be after your

job because of it or something. That's the way I relate to that. We didn't have any controversy of that sort at all. A concern, yes, about things that you discuss during the course of the year about football teams is not unusual at any of the three high schools.

Q. So the question is: Did you have any talks that fall about any concerns regarding the Hands kid, the Hall kid or the Jones kid? Any concerns, any problems? Do you recall any?

A. We had a conversation, yes, sir, in the middle of the year about the quarterback situation. He did the talking, I did the listening. He needed to talk to somebody, yes.

Q. What did he tell?

A. What?

Q. Did he have a problem?

A. Yes. A problem?

Q. Yes, sir, a problem. Something he was trying to work out?

A. He had a decision to make, yes.

Q. Okay. Is that a problem or is that just a normal coaching decision?

A. That what they're hired to do, yes.

Q. What kind of a decision did he work on, what did he talk with you about? What was the decision?

A. He simply talked to me in terms about a Senior.

Q. That's the Hands kid?

A. We talked about Seniors and we talked about things of that nature, yes. And --

Q. Who was the senior you were talking

about?

A. Bryan Hands.

Q. That was not the Jones boy or the Hall boy, correct?

A. No. We discussed the quarterback situation, just as a whole, but we basically talked about seniors. And we basically, if you want to know the truth, this was a personal conversation, you know, and it was not an athletic director-coach situation or we were going to handle a problem. We simply talked about coaching. His philosophies or so forth. He wasn't defending anything to me. We were doing it in simply a conversation and I

really don't know that I want to continue to discuss a personal conversation as far as personnel at McArthur High School. I really don't think I ought to do that.

THE COURT: Wait a minute, but we do have a problem. We have a problem in this connection, Mr. Lytal. We have a problem in testimony that there was a controversy involving family of these various quarterbacks. I will say partisan supporters of them and also impacting on Coach Overton, something of that nature. So, there has been that controversy. That was presented at the first hearing, some of those matters by Mr. Qualls, in his testimony he's acknowledged this. So, the Court will say that it's already before us. And if, in fact, whatever your testimony would be, the Court is in need of that information.

MR. BOYD: Your honor, in all fairness to the witness, do you think it would be proper to also advise him that Coach Overton did not support that line of reasoning.

MR. NOLAN: Excuse me, your honor, can we confer with you outside --

THE COURT: Yes we can come around to the side over here.

(Whereupon a discussion was held out of the hearing of the Court Reporter and the Jury.)

THE COURT: Mr. Lytal, what we're in conference about is the fairness of whether I've asked you or given you a

predicate to be an explanation of why the questions probably are desirable for being answered. I did say that Coach Qualls had said that he presented to the first meeting of the Executive Committee that made a ruling that there was -- and he had inquired and found that there was a controversy involving feelings between the coach and players, feelings between the parents and the players, and that this information that he had, this information was given to the Executive Committee at the time they made the --

MR. BOYD: Pardon me, your honor, we have a witness that's come and we need to escort him out.

(Whereupon the witness was sworn.)

THE COURT: Your name, sir?

THE WITNESS: John Campbell.

THE COURT: All right. Mr. Campbell, we have had the rule invoked which means that witnesses may not discuss their testimony with anyone prior to testifying, so I'll instruct you not to discuss anything with anyone regardless of whom except these lawyers. If you wish to discuss it with, until this hearing is over, because your testimony is yours and should not be influenced by anyone. That's the purpose of that protection. So, if you will wait outside until you're called, please.

THE COURT: Back to what I was saying. And further, this Court has had Coach Overton here and questions

concerning that subject matter have been directed to him and we have received his answers. So consequently, we have inquired into this subject matter at this time and you have expressed a reservation you felt like these things were very personal between you and he and as was said by some Judge, all we're doing is, it's our burden to find the truth of the circumstances, if we can. So, even though it is whatever you feel it is, it is necessary , if you can, to let us know.

A. Oh, okay. I'll answer the question. It was not -- I did not look at is as a controversy at the time, you know. Now, the internal affairs of a football team and those things are not -- I'm not aware of as you would well know, that I don't know, I would not know of all of the things that were going on in practice. I would not know what the

competition level was, I would not know the attitude of the youngsters.

Our conversation on that day dealt with the situation really as who would be the starting quarterback and he needed to talk to somebody as far as the decision that he had to make of whether to continue to go with the senior quarterback or whether to make a change.

Now, we did not discuss who to make the change, which kid or anything of this nature, but we did discuss that in a personal conversation, he just needed to talk, and we did talk in those manners at a certain level in the season. I believe it was around the fifth ballgame. He had lost a ballgame his first

ballgame of the year at that time.

A. All right, sir, and for the record, so that's clear, the senior quarterback that was concerned about was the Hands child?

A. Bryan Hands.

Q. All right sir. Did you relate that in any to Dr. Poteet ever?

A. No.

Q. Other than this Court and Coach Overton, that' been personal through this date?

A. What we discussed in this office?

Q. Yes.

A. I don't think I've talked to anyone about that.

Q. All right, sir. At this time I'm going to show you what's been marked in evidence as Exhibit 8. It's a letter from Dr. Power to Dr. Poteet. And paragraph number

two, will you please read it in the record. It's a numerical record and I have a question or two to ask you about it. If you would read it out loud, please sir.

A. After a review with Irving officials, it was clear to us that beyond a question a controversy surrounded Greg Jones and the quarterback position at Irving McArthur. All information indicate that indeed there was a dispute over much of the two -- on which of the boys was the better quarterback and that the controversy did extend to the fans and

boosters.

Q. I have a question for you on that, Mr. Lytal. You told us a minute ago about the one situation that you discussed with the coach concerning quarterbacks. Did you personally ever tell Dr. Poteet any of those things?

A. He probably asked me the question if there was a controversy and who should -- who was the starting quarterback at McArthur High School.

Now, if you asked me that question and really you're asking a layman in that terms because I don't watch them practice, and I don't decide who plays, but I probably answered him: Yes, there was some discussion as to who was that.

I think I would answer that question -- I think I would answer it here today, but

I still contend to you and to anyone that Mr. Overton knows the best answer as to whether there was a controversy or not. You know, I hear fans and I hear them all of the time, and I probably answered that question and I would probably answer it the same again: Yes, there was discussion.

Q. Okay, let me ask you this: Paragraph number two said the information indicated that there was a controversy around Gregory Jones. Now, you haven't told us about that this morning. Did you say that to Dr. Poteet that there was a controversy that surrounded Greg Jones? Specifically that. Did you make that statement?

A. I don't believe I would very used the youngster's name. I don't believe I did that. I think, as I said, I think I probably answered the question: Yes, there was discussion among the fans as to who should be the starting quarterback. I discussed that with Mr. Jones.

Q. And who were you referring to, discussion among the fans about who should be the starting quarterback?

A. Well, there were three of them: Bryan Hands, Shawn Hall and Greg Jones. They all played at one time during the course of the year.

Q. Did you tell him there was a special controversy that surrounded Greg Jones, a particular controversy?

A. We were talking about Greg Jones at the time so I suppose if I answered the

question he might have related it to Greg Jones, but, no, the controversy was at a position.

Q. Among all three boys?

A. Yes.

Q. And who was the first string quarterback through the season?

A. Bryan Hands was the starting quarback.

Q. And you told us a moment ago about the controversy in that regard, correct? Did you tell us a moment ago about the controversy that concerned Bryan Hands a moment ago? Is there anything else you want to say about that?

A. You know, as far as -- the only controversy that I

dealt with, I answered the question that the fifth game that I went over to talk to him, and I would think that any two professional people who had been coaching a long time would discuss that if it were coming to mind, and I would not think that would be strange this year or in years to come if coaches need to talk during the course of the year over a game that's been lost.

Q. Was there controversy, and did you tell Dr. Poteet there was controversy or dispute over which of two boys were the better quarterback? Did you say there was a controversy over two boys to Dr. Poteet?

A. Dr. Poteet asked me questions in conversation and I didn't write those questions down, and I think I related to a situation of Greg Jones. That's what I called him for. I answered questions in

regard to Greg Jones and his eligibility at Highland Park High School. That was our conversation. I answered questions and I'm sure they were in general terms as to what -- if he asked me if there was some controversy, I probably said: Yes, on who was the starting quarterback at McArthur and Greg Jones was a part of that, was a quarterback at McArthur High School.

Q. Was there any greater controversy regarding Greg Jones or Shawn Hall or Bryan Hands?

A. I can't answer that question, because I'm not that close to the situation over there.

Q. Okay.

A. I -- I couldn't answer that at all. I just know that during the course of the year that there were -- there was a discussion among certain fans and things of this nature as to who was the starting quarterback. Now, I don't know who was who and I didn't care. I just felt like Ray would make that decision.

Q. Did you make the statement that there was any controversy regarding Greg Jones that involved the fans? Did you make that statement?

A. Did I make it?

Q. Yes, sir.

A. I'm sorry, but in the conversation with Mr. Poteet, and I certainly am here to testify the truth, and I really don't know exactly what I said to Mr. Poteet on the

phone other than I can tell you what my intentions were, my intentions at the time was to help Greg Jones get eligible at Highland Park. That was the reason for my telephone conversation.

Q. And why was that your intention?

A. Because I felt like from an Irving School District standpoint that he should be eligible, and I called to tell him that.

Q. All right. Did you believe in the spring of 1985, forget what you told Dr. Poteet or didn't tell Dr. Poteet that there was any controversy over the fans over Greg Jones and

anybody else about whether or not Greg ought to be the starting quarterback? Did you hear anybody relate such a controversy to you, any of the fans?

A. I was told probably on one occasion of a person who was at a game that heard it discussed in the stands. I think on one occasion the entire year, yes.

Q. Is that very much of a controversy?

A. I hear lots of controversies. Yeah, I hear lots of different things during the course of the year, yes.

Q. Is there lots of controversy usually every seen over lots of different positions, if boys are about the same skill level, the kinds of controversy you're talking about?

A. I think you hear things and, you know, as far as controversy during the course of the year at all schools, yes.

Q. Okay, did you consider whatever the quarterback competition was at Irving, did you consider it to be any particular problem? Was it causing disruption and unhappiness, those kind of things with the fans or the booster club, and if so, how.

A. Oh, I don't know, I don't know whether it caused any disruptions or not, you know, I think you determine that by practice. You know, fans don't determine who starts, and those sort of things.

Q. You understand my question. I'm sorry, my question is not clear, Mr. Lytal and I apologize for it, I do. My question

is: Did you become aware to people getting upset about whether Greg or Shawn or Bryan were starting quarterback?

A. I had no one come to my office for that, no.

THE COURT: Mr. Boyd, maybe one of your witnesses is here in the audience.

MR. NOLAN: He's the attorney for the Dallas Morning News.

Q. Did you ever go to booster club meetings?

A. I go to booster club meetings at the different three schools all year, yes.

Q. At Irving McArthur booster club meetings did you notice the viciousness over the quarterback situation among the people there in 1984?

A. No. No.

Q. I would like for you to read

paragraph three of Dr. Poteet's letter.

A. Repeatedly the athletic director in reply to my questions stated that Gregory Jones -- if Gregory Jones was assured of being a 1985 starting quarterback at Irving McArthur he would still be at Irving McArthur. Each time I asked, he answered in the the affirmative. Yes, Gregory Jones would still be in Irving if he was certain he would be the starting quarterback. If I may say that I use reading glasses and that wasn't easy.

Q. I'm sorry. I will read for you from now on if we have

speculative question. He wasn't the starting quarterback and I answered the question. I stand by that and I answer it here today in exactly the same way.

Q. And he wasn't the drum major at Irving McArthur, to your knowledge?

A. No, I don't think he was.

Q. And he wasn't the president of the student counsel at Irving McArthur, was he?

A. I don't know that.

Q. You don't recall that, though, do you?

Q. You don't recall that, though, do you?

A. No, I certainly don't. I would not know that.

Q. So, was there any particular reason at that time, any kind of special relationship between Greg Jones and Irving

McArthur and leadership positions to which you referred that you felt would have compeled (sic) the family to undergo additional hardship to try to keep him there?

A. I'm sorry.

Q. Was there any other leadership position that Greg Jones held? He wasn't president of the student counsel; he wasn't the drum major. Was there anything else that was special between Greg Jones as far as student body leadership that would have compeled (sic) him to stay at Irving McArthur so he could have executed his position?

A. I"m not qualified, because I do not know that answer. I dealt strictly from the standpoint of athletics. I do not

know what other positions Greg Jones held at

McArthur High School.

Q. All right. If I were to ask you if any student who's on the football team trying out for quarterback, any student, whether or not there's any controversy or anything, if I'm asking you if any student were to be guaranteed the starting quarterback position at Irving McArthur, aside from Greg Jones, your answer would probably be the same, wouldn't it, that their family would try to stay?

A. I answered that certainly in a general way, sure.

Q. That was not intended to be just Greg Jones?

A. I just felt like that answer to that question he used a specific name, but if you ask me any other senior athlete at any particular school, I would answer it the same way; If it was at all possible and he were

happy, he would not move.

Q. All right, thank you.

Will you tell the Court whether or not during your conversation with Dr. Poteet you were trying to leave the impression that coincideed (sic) with your judgment on Greg Jones? You were trying to leave the impression with Dr. Poteet of your own judgment that the boy should be allowed to participate, is that what you're saying?

A. I first spoke to him as far as the Irving School District, because I represent the Irving School District, and I said that we intended to sign that and we would stand

signature. Then I told him from my own personal standpoint if I -- I do not -- I am not a member of the District Executive Committee, the principals are. I said if I were, I would vote for the youngster to be eligible.

MR. BOYD: All right, pass the witness, your honor.

THE COURT: Cross-examination.

CROSS-EXAMINATION

BY MR. NOLAN:

Q. Coach Lytal, you said that you didn't know Greg Jones very well back when you took that previous athletic participation form to Cecil Green, is that right?

A. Yes, sir.

Q. You hadn't conducted an investigation at that time?

A. On, no. No.

Q. Did Cecil -- did Cecil Green to your

knowledge know Greg Jones any better than you do?

A. Oh, certainly not. Cecil Green would go on my recommendation as far as signatures were concerned.

Q. All right. And when you -- your recommendation to Cecil Green was to sign the form?

A. To sign the form, yes.

Q. And you made that recommendation, because you didn't know of anything, any reason not to?

A. I did not, unless I receive a call from the coach that

he feels like there's something wrong, I do not investigate any previous participations that come through that office. That was a normal procedure.

Q. So, if Coach Overton signs it basically then Cecil Green and you'll recommend that Cecil Green sign it?

A. Yes, certainly.

Q. So Cecil Green's certification on there doesn't indicate anything more than basically Coach Overton thought that there wasn't a move for athletic purposes? He doesn't do an independent investigation?

A. Oh, certainly not.

Q. You said that you had a call from Coach Snowden?

A. Bo Snowden, athletic director at Highland Park.

Q. And he asked you to investigat this.

When was that call, what time frame are we talking about? Was it after or before the March hearing?

A. The call came after the first District Executive Committee meeting of the other district. They had already voted not to accept it. That's when Bo called me.

Q. Now, at the August District Executive Committee meeting you wre present at that August 9th?

A. In Mesquite, yes.

Q. Did anyone, did either I or Mr. Boyd ask you to testify at that August meeting?

A. No, sir.

Q. Did I talk to you and Coach Overton during a break in that hearing about your testimony?

A. You told me that you felt like that Coach Overton had given all of the information that was needed I believe or in some manner. That I could not add anything to the testimony.

Q. Did I tell you that or did I ask you if you had anything else?

A. You probably asked me that, yes.

Q. Do you recall what you told me?

A. I told you, yes, that I thought Coach Overton had given you the facts.

Q. Now, I want to get down to when you first made your investigation. Was that after their March 20th, the first District 9 AAAAA District Executive Committee meeting where they decided that Greg was not eli-

gible?

A. When I made the investigation, Greg had already been voted ineligible.

Q. And you talked to a person whose family attended McArthur High?

A. I talked to a friend in the community who I knew attended all of McArthur's -- and I coached at McArthur for ten years, so I certainly knew fans and things of this nature, and I called him in confidence to ask him to please see if we can prove that this -- that he made the statement: I'm going to move my boy to Highland Park High School to play football.

I wanted to know that if he did.

Q. And you talked to this person and Mr. Jones, is that correct?

A. I talked top him and Mr. Overton, Ray Overton.

Q. Did you talk to anybody else?

A. No.

Q. And who was the coach at Highland Park during this time?

A. Frank Beavers.

Q. Is he still there?

A. No, he has gone into another administrative position over there and Randy Emory is the head coach.

Q. Now, you said that when you heard about a move from Irving to Highland Park that that raised a red flag or something, you thought perhaps there was a violation because they hadn't sold the house in Irving, is that

correct?

A. Yeah, when I started the investigation, you see, at that time, as I said before, unless I get notification that there's a problem, I don't investigate it. You would spend the entire year investigating. And so I had no report from Mr. Overton that he had any problem signing that paper whatsoever, so I didn't even know probably it was Greg Jones who went through there.

And so I took it probably several to Cecil Green. When I was asked that the District Executive Committee had something, I felt a responsibility ability at that time to get

as much as information as I could about it and, yes, when I talked to Mr. Jones, and when I talked to the other, any time you have two households, and I've been in athletics a long time, that you have to consider that fact, you certainly do.

Q. Would you consider the fact that the move was a short distance, would that be a factor that you would take in consideration?

A. No, not -- because I deal with that quite a bit inside Irving, you know, with people moving in our transfer policies, so I deal with short moves quite frequently. And that didn't alarm me in that fashion.

Q. Was the thing that alarmed you the most the fact that they didn't sell the house in Irving?

A. Well, I think the thing that alarmed me the most that they had indication over

there in their District Executive Committee that they were going to vote it down, and I had a responsibility from the Irving School District to investigate everything I could that we, you know, because essentially we're dealing with two professional groups and I didn't --

Q. Of the facts that you discovered?

MR. BOYD: Your honor, I think that's been asked and answered. He told Mr. Nolan what he was alarmed by and that was the action of the District Executive Committee.

THE COURT: I think he was still answering the question, why don't you finish out your answer.

A. I think that an investigation, that once it's brought to your attention --

MR. NOLAN: I'm sorry, it's not the question I asked. If I could repeat my question.

THE COURT: All right, repeat your question.

Q. Of the facts you discovered you said that one of the, you said something that concerned you was the fact that they didn't sell the house in Irving. I just wanted to know of the facts that you discovered, which was the fact that concerned you the most?

A. Well, I think that -- that got my attention to the fact that I think that would, in any case, that would get your attention to look into it further. See, I had some concern as to the aunt, if the aunt was tied to the Highland Park booster club,

you know, I wanted to know that. I didn't find any indication whatsoever that they had knew they played football in Highland Park. So I pursued in in the manner that I thought to be professionnal (sic) to find out all of the information in order to see that the Irving School District signed that in good intent that we didn't think so. I don't think we --

Q. Now, you discovered some facts which indicate that there might be a move for athletic purposes, but --

MR. BOYD: Objection, your honor, that is misconstruing what the witness said.

THE COURT: What he said, alert, his wording was

alerted.

MR. NOLAN: All right.

MR. BOYD: All right.

Q. That alerted you and you discovered some facts, which indicated to you that there had not been a move for athletic purposes, is that correct?

A. Well, my final judgment was that I could not prove that Greg Jones moved for athletic purposes, and I think in my opinion that in our case we had to prove it and we, and I could not prove that and I signed it or remanded that it be remained signed from that standpoint.

Q. No, you said that you were talking about our duties in the District 9 AAAAA. Are those two different duties?

A. Well, the rules are clear that we -- if we feel like there has been a violation of

a UIL policy or rule, we are to, by that signature, notify them if we refuse to sign it. That simply notifies them we have some questions as to what it is. They make the decision as to whether the youngster is eligible. We understood that totally.

A. All right, if you say we think he moved for athletic purposes, are they bound by your signature?

A. No, sir.

Q. If you say he did not move are they bound by your signatures?

A. No, sir, the UIL is clear in that statement.

All right. Now, if you are presented with certain facts and in your mind you say: I don't think he moved for athletic purposes and that's what you signed and they hear those very same facts and they say in our mind we think he moved for athletic purposes, what are they supposed to do?

A. Well, any District Executive Committee makes a decision whether they think the youngster is eligible in the best interest of their district. And we would do the same think in District 8. If we probably -- well, that's a judgment that they make. It does not question our integrity, I don't feel, questioned in that manner.

Q. I'm sorry. I'm sorry, I just want to know what are they supposed to do if they hear the same facts you do , in fact, you

present them, you make a decision that based upon these facts this is not a move for athletic purposes? They listen to the facts and they say: We think it is a move for athletic purposes. What are they supposed to do?

MR. BOYD: Excuse me, objection. Number one, it calls for facts not in evidence. Very clearly in this record, none of the facts that Mr. Overton or Mr. Lytal came up with were presented to this committee. That's the record. He's assuming facts not in evidence. He's asking this man to speculate on what any other executive committee might do and that's asking him to delve into somebody else's thought processes, which calls for speculation and objectives.

THE COURT: Your question does include assuming they heard the same things that you knew.

Q. You were there at the meeting of August the 9th, correct?

A. In Mesquite, yes.

Q. And you listened to what they heard?

A. Yes, sir, from Mr. Overton.

Q. Assuming that they heard that from Mr. Overton and Mr. Jones, I believe those were the only two people?

A. That's right, the only two, right.

Q. Assuming that they thought that that was a move for athletic purposes, what is it their duty to do? What are they supposed to do?

A. Of the District Executive Committee?

Q. Yes, what is the District Executive Committee supposed to do?

A. If they feel they have moved for athletic purposes, the youngster is ineligible at Highland Park High School. That's their responsibility.

Q. Are they supposed to rubber stamp and automatically approve whatever the send, whatever the Irving McArthur writes on it?

A. Are they supposed to rubber stamp it?

Q. Yes.

A. Certainly not. It's a double check.

Q. Okay. All right. That's why you have a District Executive Committee reviewing the sending school, the previous athletic participation forms?

A. I think that in most cases unless you're alerted to something that you don't -- that it -- a rubber stamp is not good work, but I think most District Executive Committees will accept the sending schools, unless they're alerted to something.

Q. If they're alerted to something, should they look into that?

A. Certainly they should.

Q. If they're alerted to something, and they have a different opinion from the sending school, should they go with their opinion or the opinion of the sending school?

A. Well, I think by that I go by rules that our District Executive Committee has the

authority to rule the kid eligible or ineligible.

Q. Let's go past authority. If they decide that he moved for athletic purposes, do they have the duty to rule him ineligible?

A. If they think he moved for athletic purposes. Yes, they have a duty. They have a responsibility, yes.

Q. This phone conversation with Dr. Poteet that you had, was that one conversation?

A. One conversation.

Q. And the conversation was about Greg Jones?

A. Yes, sir.

Q. So, if the quarterback situation, any controversy or anything were all related back to Greg Jones, is that correct?

A. All of our discussion was directed to Greg Jones, yes, sir.

Q. All right. Did you ever have a conversation with Coach Overton prior to the first District Executive Committee meeting in March about whether Greg Jones had moved for athletic purposes?

A. Prior to the signature of the --

Q. I'm sorry, prior to the March 20th, 1985 meeting, District Executive Committee meeting where he was first held ineligible?

A. Ray and I never discussed it, no, we had never discussed it.

MR. NOLAN: I have no further questions.

THE COURT: Redirect.

REDIRECT EXAMINATION

BY MR. BOYD:

Q. Mr. Lytal, if there's no credible evidence that a child has moved for athletic purposes, should a District Executive Committee rule that?

MR. NOLAN: Your honor, I object, that's based upon facts which are not in evidence.

THE COURT: Sustain your objection.

REDIRECT OF MR. LYTAL - BY MR. BOYD

Q. You recall Mr. Nolan's questions about whether or not if an Executive Committee believes that a child has moved for athletic purposes whether they ought to rule that way?

A. I recall that question, yes.

Q. If a committee does not believe that a child has moved for athletic purposes, should they rule that he has?

MR. NOLAN: Excuse me, your honor, that is based upon facts which are not in evidence.

MR. BOYD: It's rebuttal, your honor, he's the one that asked the question.

THE COURT: Counsel, I still say there is no evidence that they did not believe what they ruled.

MR. BOYD: There's no evidence that they did believe what they ruled either,

your honor, because you haven't heard from any of them. We haven't had a single witness from that 9 AAAAA second meeting.

MR. NOLAN: That's why it's not in evidence.

MR. BOYD: You've heard from the first group. You heard Dr. Matthew said he went on supposition, and that he probably made a wrong decision. That's in the evidence. He said it should not be done on guessing; it should not be done on supposition. And that he was concerned because there was not hard evidence at the meeting. That's what the evidence is.

MR. NOLAN: Your honor, what we've maintained all along is that the decision of the first hearing is important for

other matters and that's what you explained. That's why you wanted to go into that.

THE COURT: The Court was looking at the impact, the continuing impact of the first decision upon the later deliberations.

MR. NOLAN: Yes, your honor. And you explained that to us, and it's the second hearing that is important as to whether they had the facts before them and whether they had the facts to make the decision which they've made and we've got those folks out in the hall. We can bring them in here ask them did you --

MR. BOYD: I'm the one that subpoenaed them, your honor, and we have no evidence of quality of the evidence that they considered at that second meeting. We know what was said, but we don't know what they

were told beforehand.

THE COURT: Let me make a ruling here. I consider that the evidence that the parties moved from Irving and took rental property in Highland Park and did continue to own their own property in Irving is not determinative but can be viewed either way. I believe it is some evidence is what it is. I believe that.

Consequently, from the evidence I've heard, I have not heard evidence -- I have not heard that there was no evidence or that they didn't believe what they ruled. So, counsel, there's no evidence in this case to say that they did not have some

statement. Now, if they believe to the contrary, there is not evidence in this case that they believed to the contrary, counsel, at this point. That they believed contrary to the way they voted.

MR. BOYD: There is no evidence that says they believe what they voted either, your honor, respectfully.

THE COURT: Counsel, as far as I can see, when a person votes a way, that is an expression of their belief. Consequently, that is an affirmative statement. So, I don't see that there's any evidence to the contrary at this point on the way they cast their vote. So I'll persist in my ruling. I'll hear from you any more now.

MR. BOYD: My position has not been made clear and I apologize for that. If the panel is not impartial and they are not

voting the evidence but they are voting other values, other instructions from interference, the vote is not necessarily their belief.

THE COURT: The Court will respond further. The Court has evidence before it that the Court could consider a bias in the first hearing. The question is going to be whether or not if that was sufficient to cause the first ruling to be what it was and then the second whether or not that bias, if it is found to have been such, as the proximate cause of the first ruling. If it carried forward to the second hearing is what the

Court is going to be faced with.

So, I do now -- now we're talking about bias at this point. And the Court finds that there is already there is evidence of some bias demonstrated at the first hearing when statements were made. They're in the evidence. The Court considers them to demonstrate bias. I believe one of them has stated, one of the parties participant has stated that the evidence must establish beyond a shadow of a doubt. The Court considers that to be a clear bias against any transfer under fair standard of hearings. So, we're getting over to bias now. But, counsel, if you want to ask about bias, you can do it, but there's no evidence.

MR. BOYD: I can rephrase that.

THE COURT: That's what your're (sic) going to have to go for.

MR. BOYD: And one other thing, your honor. I would like for the Court, we have made evident in our trial brief, which the Court may not have had a chance to look at, under the Supreme Court case in this case, House of Tobacco makes evident that you do not need to reapply to a board or an agency which has made an erroneous ruling. You do not need to do that. You do not need to apply and we have made from the very beginning, the fact that we made our position, we did not request this rehearing. Our position is they cannot go bootstrap themselves out of trouble. So we are not agreeing and

that's not our position with Mr. Nolan at all.

MR. NOLAN: Counsel, I'll let you go into bias. I sustain your objection on your question.

MR. BOYD: Okay.

Q. Mr. Lytal, should a District Executive Committee base its opinion on bias?

A. No, sir.

Q. Prejudice?

A. No, sir.

Q. Insufficient evidence?

A. No, sir.

Q. Should it be arbitrary?

A. Yes.

Q. In its decision? You think it can be arbitrary. IN other word, not pay attention to the evidence?

THE COURT: Arbitrary means to determine on subjective rather than objective

standards.

Q. Should a District Executive Committee make its decisions based on things that are not heard at the committee meeting? On what it wants to rather than what it seen in the evidence?

MR. NOLAN: Excuse me, just one question at a time.

THE COURT: Narrow your question. Restate your question.

REDIRECT OF MR. LYTAL - BY MR. BOYD

Q. A moment ago you said it should not make a decision on insufficient evidence.

A. That's right.

Q. Okay. Should it base its decision on credible evidence?

A. Yes.

Q. Should an executive committee base its decision on supposition instead of facts?

A. No.

Q. Should a committee guess?

A. No.

Q. Should it speculate?

A. No.

Q. Do you agree that the decision to deny a young man's ability to develop his own talents, whatever that might be in UIL activities is a serious decision?

A. Yes.

Q. And that it should be based on good

evidence?

A. Yes.

Q. Do you have any personal knowledge of what any of the voting members at the March 20, 1985 executive committee meeting knew, do you have any personal information of what they knew?

A. Other than the fact that they had received the transfer from, no.

Q. And at the District 9 AAAAA meeting on August 9th, do

you actually know what was in the heads of those people that sat up there at that table before the hearing started, do you know what they had been told about the matter before the meeting?

A. I had some information as to what they -- I had some information after the first hearing as to why they requested it, yes.

Q. Okay. But the very individuals that were sitting there at the table representing the schools, you didn't know what they knew, did you?

A. No.

Q. And you were not aware of any briefings that they had had, correct?

A. No.

Q. Okay. And you weren't aware of any instructions they had received, correct?

A. No.

THE COURT: Well, counsel, all of those questions, if they had -- should you put them with if they had?

Q. If they had received any instructions, you're not aware of any of those instructions, are you?

A. No.

Q. And if they had been given information about the case prior to the District 9 AAAAA meeting in August, if the people that sat there had been given information, you don't know what that information was, do you?

A. Well, now, I received a letter from Dr. Poteet explaining to me the reason they had denied the youngster's eligibility, if that's information.

Q. No, what I'm asking is the people, the individuals that were sitting there on August 9th. Those people that voted.

A. Uh-huh, the principals.

Q. Right. If they had been given some briefing you would not know what the subject matter would be, correct?

A. No.

Q. You would have no way of knowing the extent of their knowledge about Greg Jones?

A. No, sir.

Q. No, you recall Mr. Nolan's question about whether or not your conversation with Dr. Poteet was directed to Greg Jones?

A. Yes, sir.

Q. But you also remember your statement earlier that you made some general statements as well, you talked about Greg Jones, if he were still the first team quarterback would probably want to stay, you remember that?

Q. Uh-huh.

A. But you said that applied generally to all kids, doesn't it?

conversation that I tried to reaffirm him that our district stood at the same position it did as prior to that. Now, we actually probably got into philosophy of the way we feel about rules and so forth and so on, which is probably a --

Q. Do you recall Mr. Nolan's question about if you're alerted to something whether or not you ought to investigate?

A. Yes.

Q. If you're alerted, should you investigate the source, should you not, shouldn't you investigate the source if you're alerted about the facts?

A. Yes.

Q. And if you're told about some unfavorable coments that someon has made about this particular transfer request, shouldn't you investigate that source?

MR. NOLAN: Your honor, I object that this had been leading and leading and leading.

THE COURT: Sustain your objection.

Q. Tell me what you would do, if anything, Mr. Lytal, if you were on a District Executive Committee and you were alerted as Mr. Nolan suggested, that there had been had made statements, which you didn't think sounded right, if you were thinking about transfer approval, what would be your action at that point in time, if some particular person is alleged to have said something, what would be a reasonable approach?

A. The first thing you would want to do is hear the

person say it to the District Executive Committee and then you would pursue. But I do think that when you are alerted to a situation that you investigate it thoroughly. You just don't stop at one conversation.

Q. So you would investigate rather than just speculate, correct?

A. I would investigate, yes.

Q. Have you ever requested a transfer student in your District 8 AAAAA, is that correct?

A. Yes, sir.

Q. To present witnesses, have a hearing because of a question on eligibility?

A. Yes, we have had two years ago we had a situation and I hate to answer this question because it's not necessarily related, but we did have a situation occur over a transfer policy two years ago that

affected the eligibility of a kid, a youngster at Nimitz high school, and we did have a -- the District Executive Committee did have a hearing and people did present evidence from our district as to that occurrence. So that is one. It was a -- it was not a question of what's in question here, it was a question of a -- of a signature and having it on file.

Q. Okay, was this situation where both the sending and receiving schools had approved the transfer?

A. No, the sending school had not approved it and it was

a paper work situation. It was something. And the reason I say -- it was not a question of whether they would approve it. It was a question that they had not.

Q. So it was a documentation problem.

A. Yes.

Q. And even though there was just a documentation problem, your District Executive Committee decided to have a hearing on it and present evidence.

A. The District Executive Committee ruled him ineligible and a hearing was held.

Q. Okay, was a vote taken at this hearing?

A. Yes.

Q. Was there previously a vote taken or was it taken at the hearing?

A. I can't answer that, I wasn't at the hearing. The superintendent represented us.

Q. Okay. Where the sending and receiving schools have approved a previous athletic participation form, are you aware of any instance in which those requests have been denied in your district?

A. Not in our district, no.

Q. No, if you in considering a previous athletic participation form have any questions regarding whether or not there's been recruiting or a move for athletic purposes, you don't have to sign the form, do you?

A. No, sir.

Q. And Coach Overton doesn't have to sign the form, does he?

A. No, sir.

Q. So if you believe there was any question, you would not have recommended, would you, that the form be signed?

A. If I thought the rule -- if I thought I could prove that anybody moved for athletic purposes, I would not sign it, no, siree, or recommend that it be signed.

Q. Can you tell us whether or not before the season starts whether or not the coaches are required to read the Constitution and Contest Rules and certify that thay've done so?

A. Yes.

Q. So they are aware of the procedures and rules and the Constitution and Contest

rules of UIL?

A. They certainly are.

Q. And so the record is clear, would you tell the Court who probably knew Greg Jones and the Jones' family better, you or Coach Overton?

A. Oh, Coach Overton.

Q. Much better?

A. OH, Mr. Jones and I had not seen each other personally since 19779. I think we saw each other in 1979. When I was head coach at McArthur High School.

Q. If someone wanted to really know about the situation,

would you generally refer them to Coach Overton. This situation.

A. If you wanted to know something about the football team at McArthur High School, yes, sir, I would refer you to Coach Overton.

Q. And if I wanted to know something about the Jones' family or Greg Jones, would you refer me to --

A. Why, it would have to -- I would have to refer you to Coach Overton because I don't deal in that matter.

Q. In forming your opinions, have you relied a great deal upon Coach Overton's feelings, understandings, and his knowledge, in forming your opinions?

A. In forming my opinion? That's a -- kind of a tough -- I don't mean to infer in any way, but I form my own opinions.

Q. Okay.

A. I don't depend on him. When I took the investigation up, no siree, I relied on what I thought at that point and whether I would recommend it.

Now, I did ask him on several occasions if he had any doubts at that time about the signature and the facts that's been received and he said no. If he had said yes, then certainly we would have talked about it and so forth. But it would not have had a signature and administrator on there if I didn't thin it were correct.

Q. When a District Executive Committee considers a

transfer eligibility issue, should they consider the evidence and all of the evidence that the members know at the meeting, at the meeting itself?

A. Should they have? I'm sorry.

Q. Should they consider the evidence that people have, all of the evidence on a particular application at the meeting, all of it?

A. No, you're talking about an in-question transfer that someone that's been questioned and they should gather all of the information that you can possibly gather and they make a judgment on whether or not the youngster is eligible or not. If it's, you know, now, the time table, nor the procedure in which you investigate I suppose that would vary from district to district. I don't believe there are any guidelines to investi-

gation. I didn't find any, if there were.

Q. Okay, Mr. Nolan's general questions about the origanization (sic) of an Executive Committee, that's the same frame I'm giving to you, whatever information people have, should they provide it at the meeting so everybody can hear it at the same time?

A. Well, I think -- are you talking about origanization (sic) and the procedure in which a District Executive Committee operates?

Q. Just generally speaking, when you're considering a transfer request, if someone has information should they present

it to the whole body when they meet?

A. I would not agree with that. I think it should be done in the form of a letter or in some type of form because you could not hear everybody that had something to say in a District Executive Committee.

Q. I'm asking only about the people present, Mr. Lytal, the people present at the meeting, you know, the members, voting members?

A. Oh, the voting members themselves.

Q. Yes, sir, if they have information should they make it available?

A. I think they certainly should all be aware of what's going on, yes.

Q. Should anybody withhold information in order to achieve a certain result?

A. Certainly not.

Q. Okay. That would not be an impar-

tial hearing, would it?

A. It wouldn't be a factual hearing.

Q. Okay. And finally, should these District Executive Committee considerations, transfer requests, be done by impartial panels, should bias and prejudice play apart in it?

A. Certainly not. The procedure that's done now, I would consider basically in most cases, in all cases that I know anything about, that our body sits in impartially.

REDIRECT OF MR. LYTAL - BY MR. BOYD

Q. That's important to you, isn't it?

A. It certainly is.

Q. All right. Have you approved in your district transfer student requests where the sending and receiving schools have approved it and where the family has rented?

A. I don't think -- I don't think in a case where you -- a principal can answer this question better. Even though I sit in on the meetings and so forth, I would think that when a receiving school receives a transfer form, unless they've been alerted to something, that there's no check -- the only check that's made is within the district itself as to boundaries, as to where they live, so on so forth. not to what their status is, even though we have taken several steps in our own district to checking gas meters, things of this thing as to where

people live and things of this nature that we are obligated to do so. But, no, we certainly don't check everyone that comes in.

Q. And do you do that to verify that the residence has actually changed? Is that why you check those things, the gas meter and so on?

A. Well, yes, because of our in-district transfer, we have to check to where they pay their bills, yes.

Q. All right, sir.

MR. BOYD: Pass the witness, your honor.

THE COURT: Narrow it down, if you will, Mr. Nolan

district. Yes, I think it should be done on a basis of professionalism.

Q. Have you ever sat on a District Executive Committee?

A. No, sir.

Q. Do you think that the District Executive Committees possess information which either I kn0ow Mr. Boyd doesn't or which I might not because they're school people, special skills or expertise, knowledge that we don't have about dealing with schools and students?

MR. BOYD: Objection, to the extent that he doesn't say what kind of knowledge or skills he's asking about.

required to testify as to what he observed at the meeting.

THE COURT: As to the conduct of the fact finders and persons who were in attendance whom he may have recognized, their dealings with those persons who were the fact finders.

MR. LEATHERBURRY: Okay, I understand with that limitation then, Judge, our motion is denied.

THE COURT: It would be denied except that -- but it is limited to those inquiries, any inquiries beyond that would be -- would be granted in that respect.

MR. LEATHERBURRY: Thank you, Judge.

MR. BOYD: Thank you very much.

MR. LEATHERBURRY: May I go confer with Mr. McNabb? Do you want him as a

witness next. How about bringing him back at 2:00. I will report the Court's ruling. And we will be back at two.

THE COURT: Thank you, sir.

(Whereupon the witness was sworn.)

BILLIE D. THOMAS

having been sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. BOYD:

Q. Ms. Thomas, will you give your full name, please?

A. You mean my married name or my --

Q. Yes, ma'am?

A. Billie Dorris Thomas.

Q. And where do you reside?

A. 3921 Shenandoah.

Q. Is that in Highland Park?

A. Yes, it is.

Q. For the Court's clarification, will you tell the Court what type of affiliation, if any, do you have with the football team, booster club or anything at Highland Park?

A. None whatsoever.

Q. Do you regularly attend Highland Park football games?

A. No.

Q. How many Highland Park football games do you think you've seen in the past five years?

A. Well, if they were in the high school play-offs, I probably saw them.

Q. At Texas Stadium?

A. That's the only time I've ever at-

tended.

Q. Have you ever attended games at the Highland Park?

A. Not until this spring at the innersquad. That was the only time I was ever in Hollinger Stadium.

Q. That was because your nephew was there?

A. Right.

Q. Could you tell the Court what the status of the residence was before the Jones family moved in.

THE COURT: You need to identify the address.

Q. On Potomac where Mr. Jones is living now?

A. 3856 Potomac.

Q. Yes, ma'am.

A. You mean you want me to tell you how?

Q. What the status was, what was it being used for.

A. Well, it wasn't being used, it was vacant until they moved in.

Q. Would you tell the Court how long it had been vacant?

A. Well, let's see. I think we have owned that house probably three or three and a half years. We originally bought it for our daughter and her husband to build a house there. In the meantime, they found a house they really liked over in University Park so they bought that house.

Q. All right.

A. And that was the status of the

house.

Q. Could you tell the Court how the subject matter came up of the Joneses using that house?

A. Well, I remember we were going to update the house. My husband was on the pulpit committee at the church to bring our new preacher into town and he couldn't find a house. He couldn't find a house, so I started back then updating the house, put a new air conditioning and heating system in it.

In the meantime, the last trip they were here they found a house, so I let the house sit. Didn't go on any farther with it. And then my mother, she is elderly and lives in Mesquite, I had applied for her to go to Presbyterian Village,

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and it takes some time, two or three years to get into Presbyterian Village one of the cottages there, so I thought I better go on with bringing the house up to date because I knew something had to be done about her.

In the mean time, I think it was last -- first of the last year sometime they called and said they were going to have a place for her. So I kind of let that slide and then I knew about the Jones situation. And about traveling so and from Dallas, and their son in dental school, and all of that. And I thought, uh-huh, that's a solution there for them.

Q. How did the subject get raised with the Jones family?

A. I don't remember exactly. I do remember saying to them I have a solution to your problem if you ever --

THE COURT: Let me ask her a question. Ms. Thomas, explain to us your relationship and your contacts that you have from time to time with the Jones family.

A. Larry is my nephew. He is my brother's son, and I'm his aunt.

THE COURT: All right. And what are the extent of the contacts that you've had with him over the last three years.

A. Well, we are a very close family. We see each other all of the time, and we've a very caring family, so we just see each other a lot.

THE COURT: During a year, would you come into

contact with him three, four times?

THE WITNESS: Probably more than that.

THE COURT: All right, back to the attorney.

Q. Could you tell the Court what you recall being the first time that you and Mr. Jones or you and anybody in the Jones family talked about the availability of this house?

A. Well, first, let me say this: They didn't know I had a house. I don't think the word house was mentioned until problem in July of sometime, maybe August of last year. And that's when I think I said something to either Larry or his wife about, or probably to him, that would you like to come over and look and see if you would be interested in moving over here and solving your problems.

Q. Why did you offer them a home?

A. Well, I -- I said that we're a caring family number. One, I was concerned about -- I knew that their car situation was atrocious at the time because they had not new cars and they were constantly breaking down and my sister-in-law and I talk a lot and she was concerned about it because they was always scrambling trying to get to and from work and Stephen to school. So, I knew that they -- I think the time that I said something about the house, I believe both -- two of their cars were broken down. And I had called over there and they said Larry was out working trying to get the car fixed so they could have transportation to and from Dallas

Q. Okay. What do you recall being the situation when you really openly talked about the Joneses moving in, almost immediately type situation? In other words, instead of just generally talking about it, when did it come to a head?

A. Well, I think it was -- I had moved my -- I was moving my mother after -- I moved her in September of last year, at Presbyterian Village, and I think it was around the first of September after I got her moved that I had Larry come out and have lunch with me and I took him over to show the house. And I said it's not finished. I've got some things to do. You go back and talk to your family and see if they would be interested in moving over here.

Q. Would you tell the Court if you offering of a house had anything to do with

whether or not Greg was a football player?

A. Absolutely not. Had nothing to do with Gregory football player. It was my concern for the family.

Q. All right. Could you tell us what deal, if any, you and Mr. Jones struck about the house?

A. Well, I told him that -- he was surprised, I think, that the house was there. And I told him that the way we could work this, if he wanted to, for him not to sell his house. You don't ever sell property if you want to accumulate any wealth. And I said what you do, you rent your house and you pay me what you get from the rent. And that's the way we can work it.

DIRECT OF MS. THOMAS - BY MR. BOYD

Q. For the Court's clarification, is your family involved somewhat in real estate in Dallas?

A. Yes, we are.

Q. Heavily involved?

A. Well, yes.

Q. Ms. Thomas, would you please tell the Court how many of Greg's football games you've been to, in oh, Junior, Sophomore year?

A. I never saw him play until the innersquad game.

Q. At Highland Park?

A. Right.

Q. Would you tell us where you grew up, Ms

A. I grew up in Mesquite. I graduated from Mesquite High School. I played athletics at Mesquite High School. I was on the basketball team at Mesquite High School.

Q. Did you ever play against Highland Park?

A. WE sure did.

Q. You like to beat them?

A. We sure did.

Q. Do you have some children?

A. Yes.

Q. Did any of them go to Highland Park High School?

A. No, they did not.

Q. Prior to the move by the Jones family to the house on Potomac had you ever spoken one way or another to Greg about his

football career or any of those things?

A. Never did.

MR. BOYD: Pass the witness, your honor.

THE COURT: Cross-examination.

Mr. Nolan, you may have as long as you want, as you know, in your examination. You're not limited.

MR. NOLAN: I'm really going to take very short time.

THE COURT: You may have at this time, none the less.

CROSS-EXAMINATION

BY MR. NOLAN:

Q. Mr. Thomas, when did you first know about the traveling situation?

A. Well, I knew about it, I guess, oh, around the first of the year or after maybe last of last last year, something like that.

Maybe -- probably in '83, '84, sometime in that time span in there.

Q. Late '83 or early '84?

A. Well, let's see, it's probably '84, something like that. I knew the situation was becoming intolerable with them.

Q. All right.

Q. All right. And how did you learn that?

A. Well, through conversation with my sister-in-law and with my daughter -- I mean my niece.

Q. Okay. And did -- and why was it becoming intolerable

in early '84?

A. Well, because of the car situation. They had old old cars. They didn't have new cars, and they had wear and tear of them. One was constantly broken down or two was constantly broken down all of the time because my sister-in-law said she was very concerned about the family. Now -- She said: I don't see how they make it. I don't know how they do it.

Q. Was there anything -- did any other problem other than cars breaking down that you were aware of?

A. Well, I was aware of Stephen trying to get to dental school and I know dental school was very hard and he needed his time studying. I knew that and I knew Barbara his wife worked late at night a lot of times.

Q. Had Stephen spoken to you at all

about this?

A. I was trying to think at Christmas time when we were together whether he mentioned about going back and forth to school. I don't really remember that.

Q. Now, you said you were a very close family, you see each other a lot. I didn't catch how often in a year that y'all get together?

A. Well, we get together all holidays, nearly all holidays, birthdays, particularily (sic) my mother's or his dad's birthday.

Q. Could you tell me how many times a year that would be?

A. I would say five, six times a year.

CROSS OF MS. THOMAS - BY MR. NOLAN

Q. Now, you first mentioned the house to Mr. Jones in July or August?

A. That's when the work "house" was used. I think it was early in the year that I had said I have the solution to your problems, if you want to come talk to me.

Q. When was that that you told him you had a solution to his problems?

A. That must have been oh, early spring, somewhere like that, because I was working on the house then.

Q. And did he talk to you about it at that time?

A. No, I don't -- because he didn't -- I don't know whether he was even aware of what I was meaning, because I didn't spell it out.

Q. Was there some reason that you didn't spell it out for him?

A. No, not really.

Q. In July or August, is that when you first spelled it out to him?

A. Yes, uh-huh.

Q. What caused you to spell it out then?

A. Well, at that time when I was saying I had a solution to the problem, I knew I was going to have to move my mother closed and I was hoping that maybe I could persuade to move them over. She would be living there close to me. When I found out that she was going to be moving to Presbyterian Village, then I

could say the house really and truly -- there was some conditions on the other one.

Q. Was the home available in the spring of 1984?

A. It was not up to date. I was getting it up to date. It wasn't finished.

Q. Did you know in the spring of 1984 how long your mother would have to live in that house?

A. I knew it would be a short term situation as soon as a pace opened up at Presbyterian Village she would be moving there.

Q. Something less than two or three years, that's the length of time?

A. Yes.

Q. And would they have moved in with your mother, was that you plan if they had to stay there?

A. Yes, that's what I was thinking, but I hadn't mentioned that to them, and I don't know whether it would be acceptable or not.

Q. And you talked -- you said you talked to Mr. Jones after you moved your mother into Presbyterian Hospital, is that correct?

A. No, she wasn't -- she's in Presbyterian Village. Yes, it was after the -- around the first of September when he came over and looked at the house we really got down to serious business.

REDIRECT OF MS. THOMAS - BY MR. BOYD

Q. And when did you move your mother into Presbyterian Village?

A. She moved over there around the first of September of last year.

Q. So it was just sometime shortly after that?

A. Uh-huh.

Q. Did anybody ask you to appear at the August 9th, 1985 District Executive Committee hearing?

A. Nobody has asked me a question until right now. This is the first time I've ever been questioned.

MR. NOLAN: I have no further questions, your honor.

THE COURT: Mr. Boyd.

REDIRECT EXAMINATION

BY MR. BOYD:

Q. Very quickly, other than the five or

six personal business with family gatherings, do you have an occasion to every talk to the Jones family?

A. Oh, yeah, I talk to them on the telephone. We talk every week or I do with my other nieces, nephews, my sister and brother-in-law, sometimes two or three times a week.

MR. BOYD: No further questions, your honor.

THE COURT: Anything else?

MR. NOLAN: No.

(Whereupon the lunch recess was had.)

A. I did not talk to Coach Qualls. Or Coach Johnson about it.

Q. Again, because of the rules?

A. I just didn't talk to them about it.

Q. Now, then, is it fair to say that any of those little discussions you had at the breaks, at the breaks themselves, were not on the record, in other words, the Court Reporter was not taking that down to your knowledge?

A. Apparently not.

Q. And also that as far as you knew the discussion that you were involved in were only with other members of the panel separate from the rest of the people there?

A. That's right.

Q. Did you tell those people who they could or could not talk to during the brakes (sic)?

A. No, I didn't, because it was an informal thing at the time.

Q. You think it's important for a student to get an impartial panel to consider a transfer request? Is that important?

A. I certainly think so.

Q. Free of influence?

A. Yes.

Q. Free of prejudice or bias?

A. Yes.

Q. Free of predisposition on how somebody wants to vote?

A. Yes.

Q. That's the most important thing in giving fairness and due process, isn't it?

A. That's right.

Q. Who do you recall talking to at a break about the subject matter of this hearing?

A. I don't recall one single statement that was made. I do not recall the context of any single statement that was made, so whatever we talked would have been really of no great significance because we were still listening to testimony.

Q. Did you talk with Mr. Thompson the other principal from Mesquite about the matter? This is the Greg Jones matter prior to the executive session that you went into

immediately before the vote? At any time did you talk to him about this matter?

A. I would not have talked with him personally. I would talked with him within a group of the seven of us.

Q. Now, the, in the group of the seven and outside of the executive session when y'all talked in general during breaks about the subject matter of this hearing were both lawyers present?

A. No lawyers.

Q. No lawyers?

A. They could have been standing right by us, I was not

Q. How many do you think?

A. Not very many.

Q. Ten? Don't you think you've had ten in five years?

A. I may have, but there's several years we don't have any.

Q. Yes, sir. And generally when you're involved as either the sending or the receiving school your testimony is Dr. Terry would give you a call just to make sure there's nothing wrong with the situation?

A. That's right.

Q. And as far as you knew he was the representative of the Mesquite Independent School District?

A. He has been, but, you know, they don't call me when they change things.

Q. Have you ever received any calls from anybody else up there at the Independent

School District, Dr. Poteet, or anybody else regarding whether or not there's anything wrong with particular student's requests?

A. No, sir.

Q. Okay. Do you think it's important for the school district itself, Mesquite Independent School District to check out these previous athletic participation forms with the sending schooling or the receiving school, is that important?

A. Well, I would think so.

Q. Okay.

A. Oh, it depends on if it's a matter -- I sometimes go a couple of weeks without talking to him.

Q. Sometimes every day, every few days?

A. Every few days.

Q. How long have you known Coach Johnson?

A. Well, probably now 22 years.

Q. Do you consider him your friend?

A. I consider him, well, a former boss, and, yes, I consider him a friend.

Q. Have you every worked together with him other that in your hierarchy right now between principal and athletic director?

A. No.

Q. Never been to the same school or anything?

A. No, sir.

Q. Had you ever been at District

Executive Committee meetings before?

A. Yes, sir.

Q. And are you aware of any other situations in District 9 AAAAA where the sending and receiving schools have approved the child's participation when the Executive Committee considered it they rejected it? Are you aware of those situations in 9 AAAAA?

A. Where something has been rejected?

Q. Where it's been approved by the sending school and the

receiving school for the student?

A. Uh-huh.

Q. But later rejected by the Executive Committee. Have you ever seen that happen before?

A. Not to my knowledge, no.

Q. Have you ever been to an Executive Committee meeting where only principals were sitting?

A. No, sir.

Q. Did you think that was a little bit strange?

A. Well, I knew it was something that had to do with something else besides what the superintendents would do.

Q. And didn't you think it was strange that the athletic directors were sitting in the audience rather than voting?

A. I -- not strange, no, sir, they're

usually there. I don't understand the point of your question.

Q. Have you ever seen an athletic director or superintendent defer when they're at a meeting to vote on a transfer request, defer to a principal instead of one of them?

A. No, sir.

Q. That's unusual, isn't it?

A. Yes, sir.

Q. If Mr. White said in his testimony that he learned that this was a transfer eligibility issue to be considered by your group at a District Executive Committee in the car, does that refresh your recollection at all?

not be necessary to be called as a witness, would you have been one of those panel members?

A. No, sir.

Q. Did you chat at all with Coach Johnson after initially coming in at any of the recesses before you voted? At any time?

A. I don't remember.

Q. You could have, but you do not remember?

A. Right. I don't really think I did because it was very cold in that room and seems like every time we had a recess, I went out the back door and stand in the sunshine, so I don't think I did.

Q. Is it your testimony that Coach Johnson never made it outside to the sunshine, is that your testimony?

A. That's right. Where I was at.

Q. How long have you been attending or in presence at District Executive Committee meetings where transfer requests are considered?

A. Ten years.

Q. Have you ever seen one before where sending and receiving schools have recommended it and the panel or Executive Committee have denied it?

A. No, sir.

Q. Normally students don't have to put on witnesses and give testimony and bring in witnesses and all of that, do they, normally?

evaulation?

A. That's the information I was talking about while ago when I sign these transfer release forms. The information is obtained through the coach, and I ask them what happened and he tells me if it's legitimate. I sign the release.

Q. In fact, in your administration, you don't have time checking everything the coach checks into, do you?

A. Yes, true.

Q. So routinely you approve it if the coach does, right?

A. Correct.

Q. Who was it that called Highland Park from your school, if you know, to talk to them about the situation, with this family situation, with this child? You don't know?

A. I do not know.

RECROSS OF MR. CHUMLEY - BY MR. BOYD

Q. Did this child that went from Garland to Highland Park, he was not subjected to an evidentiary hearing, was he?

A. I don't think so.

Q. He didn't have to bring in the coach to testify and he didn't have to bring in anybody else to testify, did he?

A. No.

Q. Again, if this student was moving from Garland to Highland Park and moving into a rental and was moving a rather short distance and could still go out for Garland, do you know why he didn't also have to have an evidentiary hearing, do you know?

REDIRECT OF MR. CHUMLEY - BY MR. NOLAN

A. That I, you know, only got the full information about this after the -- after the hearing.

Q. And when someone -- do you recall who asked Homer Johnson why we were doing this?

A. I don't remember, I don't recall.

Q. Do you recall that someone did ask him that, is that what you said?

A. I just remember that we talked about it. I don't remember if the question was asked specific.

MR. NOLAN: I have no further questions.

MR. BOYD: Pass the witness.

THE COURT: All right then the witness may be excused. Mr. Chumley, you are excused.

We're going to visit a minute, so you can be on your way, if you have your own independent transportation.

REDIRECT OF MR. CHUMLEY - BY MR. NOLAN

(Whereupon the case was recessed until September 20, 1985, at which time the following proceedings were had:)

SEPTEMBER 20, 1985

THE COURT: We are ready to proceed.

MR. BOYD: Your honor, at this time, the Plaintiff would call Mr. Larry Jones?

THE COURT: Mr. Larry Jones. The witness has been previously sworn, I believe?

THE WITNESS: No, sir.

THE COURT: All right.

DIRECT OF LARRY JONES - BY MR. BOYD

(Whereupon the witness was sworn.)

having been sworn, was examined and testified as follows:

LARRY JONES

DIRECT EXAMINATION

BY MR. BOYD:

Q. Mr. Jones, will you tell the Court if you're the same Larry Jones that is here representing your son Greg?

A. Yes, sir.

Q. Will you tell the Court where you presently reside?

A. 3856 Potomac Street in Dallas.

Q. How long have you resided there?

A. Since November of '84 -- about the 20th or so of November '84.

Q. Okay, sir. And if I could ask you if you would please answer just a little bit louder

Could you tell the Court was surrounded your move or the circumstances that caused you to move to Potomac?

A. Centered basically in our family needs at the time. We were -- we have three sons, one of which was a student enrolled at the Baylor Dental College over in Dallas. And I also have a student at Texas Tech University in Lubbock and obviously Greg Jones who is now a senior in high school.

And when Steve came back from Baylor University and was accepted in the dental school he moved back home and we started commuting into Dallas every day.

My wife and I obviously had already been commuting into Dallas and we put another car on the road and he started coming into Dallas every day with us in his own vehicle. But I mean three cars into Dallas. And as we progressed in that year, things started to get a little hectic as far as the family was concerned.

Q. What year are you talking about this time?

A. Well, let's see, he enrolled I believe in the fall of '83 is when that would have been, starting at that time. And as we progressed in that first year, never having had a child in dental school, we didn't know what to expect, didn't know the schedules, demands, et cetera. And as we go into it, we found that our schedules were not compatible, that we were running around and starting to

get strung out up and down the road all of the time.

He had also entered in the extra curricular activities at the school being president of his class when he was in the first year there. That dictated that he be back at school, so we had traffic and cars and time and confusion, and it got to be where I was just, you know, felt like I was just running up and down the road and we were strung out like a bunch of gypsies or something on the road.

Q. All right. Why was being strung out on the road like a bunch of gypsies a problem with you and your family?

A. Well, we started to -- as problems arise, mainly

commuting problems, that is with the vehicles, as they arose, I would spend time out trying to keep some cars on the road so we can get back and forth in and out of work.

Q. What are you talking about you would spend time?

A. Well, I mean, you know, if the car went down, I would be out making the repair myself. I wouldn't send it into the shop and try to have a mechanic work on it due to cost factors, and so I just took care of it myself.

Q. What kind of cars did you have, tell the Court.

A. We have a '72 model. A '75 model, a '77 model, and we had an '80 model and an '83 model. And one of these was in Lubbock with my other son, so we had the other cars at home.

Q. All right sir, Did the excessive traveling other than the number of cars on the road, did that affect your family in any way?

A. Well, we never had any time together basically. Everybody was just running in all directions, and we were always, when you hit the door, there was something to do and like to get ready to go again. We never could really start settling down in the family. We were beginning to have some tension. For instance, Steve, I began to question him: Do you really need to go back to Dallas tonight, you know, can't you do something here? And he, you know, it got along the lines of where we were --

Q. Why would you be concerned about that?

A. Well, economics, basically. We were running like I said about a hundred miles a day average travel for the three automobiles, five days a week, sometimes six. Steve would be going back and forth on occasions, so that was a concern. Any time one of them left, I got to where my wife said, she said: Please don't think about just the gasoline, you know.

Q. Did Steve have any particular problems with even getting back and forth at any time?

A. Occasional we had -- when an automobile would break down we would scramble to find Barbara a ride or he would try to ride with me or there's no public transportation out there that was convenient for us to use in Irving, from Irving to Dallas, and there were no dental students per se in the area

where he could call and catch a ride. And I didn't have anybody to ride with per se.

Q. Well, Mr. Jones, why was this all of this traveling of particular concern to you? I mean a lot of people have to travel.

A. Well, I treasure my family life. We are a close family as my aunt indicated, and I'll do what I can to hold my family together.

In this day and age, I think we've got enough problems you know, attacking the family and deterioration of the family unit and seeing these kids that don't have parents that do care, and not showing interest and concern for their well-being to

encourage them to create an environment where they will feel comfortable and want to learn, want to achieve, and want to do what you want them to. And I'm proud of my kids for their accomplishments and I'll do whatever it takes to get them to achieve to the best of their ability in whatever they do, whatever they choose. It will be their choice, but I want to encourage them, and I will try to create an environment for them that is conducive to their achievement.

Q. All right, sir.

Getting on toward the fall of 1984. Was Steve having any more problems, more particular problems when he started having night labs?

A. In August, late August there just as he was going into school, we had a car -- let's see, one of the cars at that time was

in the body shop and it was down, so I said: Steve, we'll try for you to ride with me till we can get you some transportation.

He had tried to drive the older car, the '72 model, and it started acting up or he got stranded down here a couple of times. I had to come out at night and get him and he left it on the side of the road once and came on home. So we said: Well, that won't work. I'll just take you and we got into this position of where he would ride into the school with me and then I would try to pick him up after work.

Well, on many occasions he would come out and he would

say: Dad, I've got to stay, I've got a lab, and it's going to be 7:00, 8:00 or whatever the time frame was. I said: Well, what are you going to do? He said: I'll call you. Sometimes he would call and he would say: I'm spending the night at wherever.

I really didn't know sometimes for sure. He just had three or four friends and he would try to spend the night. And sometimes when he anticipated he would be late, he would even take a pillow and a blanket from home and put a change of clothes and take them with him as he went out the door.

Q. Was that acceptable for you as far as a father in raising a child?

A. It bothered me. It bothered me a whole lot. I didn't like to see that. And it was bad because I could not provide him with the atmosphere he needed. I mean dental

school is tough. I mean you just don't say: I'm going to dental school and get in. And I'm proud that he got in. And I want him to achieve, but I felt I was negligent in that area at that time because I could not help him do what needed to be done.

Q. At or about this time was there any change in circumstances as far as your family was concerned about how you were going to handle the problems?

A. Well, we had been discussing the problem essentially since probably he got into dental school, really got into it probably early spring of '84, that would have been as he went

into the second half of that first year. And he began to talk, because I obviously had, you know, begun to feel the pressures and such as that on this communicative problem we were having.

Q. What kind of problems?

A. Commuting, I mean, not communicating. And time was becoming more valuable to us. I mean we're driving, you know, an hour and a half, two hours a day out of our lives.

Q. Okay, well, how did you decide to try to resolve it?

A. Well, we discussed several alternatives. And in the meantime, while we were in the process of discussing this, my aunt, and we're in contact, as she said on a regular basis, we're a close family and keep up with each other. She doesn't just call us or

visit us, she keeps in touch with the whole family. She called and she says: How are things going? What's this?

Well, occasionally when she would call I would be outside under the hood of the car checking the car or whatever it was, and so one time she called and I answered the phone. We were talking about what's going on. And she said: Well I have a solution to the problem. And I said: Well, fine.

I didn't pursue it at the time because I thought she meant loan me some money or something like that and I didn't need any more debt at the time. And that was -- went out of my mind.

So as we progressed, she again, and through that

semester she probably -- we had conversations, I don't know how many times, she again approached me with: I have a solution to your problem.

And then about probably August, I guess it was, she finally told me the solution was a house. And I said: Well, you know, what are you talking about? She said: Well, we will -- I have a house over here that's vacant and I can make it available to you.

And I said: Well, I don't know if I can afford your house. She said: Well, we'll get together and we'll talk about it. We will discuss the arrangements necessary for you to come over here. She said: There is away you can move into this house.

And then I --

Q. Would you speak up just a little. It's hard for me to hear you.

A. And I think it was about toward the middle of September, first couple of weeks in September, I went over and had lunch with her one day and she did take me to the house and she showed me the property and said: This is it. And this is where it would be and we can work out a mutual agreement. You'll be a tenant and this will help solve some of your problems.

And so we went back over to her house, sat down, and we discussed how I could move into that house.

DIRECT OF LARRY JONES - BY MR. BOYD

Q. Were you aware at the time how that house was being used or what was going on with it?

A. I didn't even know about the house.

Q. Okay.

A. I had no knowledge of the house.

Q. Did it appear to you somebody was living in it when you went to it?

A. Well, they had refurbished it. They were in the process and had also completed refurbishing the house, interior, exterior, they had done painting, hung some paper and put some new carpet in.

Q. Would you tell the Court what you did after you had lunch with your aunt. She showed you a vacant house that they had that she was willing to make available to your family.

A. Well, during that -- after the lunch

and after we went back to her house we sat down and she said: Now, you can rent your house in Irving. I don't want you to sell it. You can rent it. We'll take the rental off of your Irving house and you can use that as the rental base over here.

And I said: Well, I don't know if I can rent my house. I don't know what I can get for my house, whatever, and would that be satisfactory to you?

And so we sat down and I went back and did some research and found out a figure and called her back and I said: Here's, you know, kind of what's in the market over here. She

said that will be fine with me, you know, we can live with that.

Q. Would you tell the Court your house in Irving, will you describe it just briefly.

A. My house in Irving is a four-bedroom brick home.

Q. Three what?

A. It's a four-bedroom brick home, and two and a half baths and with a den, living room, dining room.

Q. A nice home?

A. It's a nice home, right.

Q. Would you tell the Court what your payments were at that time in the fall of 1984 on your house?

A. On my house.

Q. On your house?

A. My payments at that time were a dollar under $200.00 a month, I believe, 198

something, I believe.

Q. 198 something?

A. Yeah, in that --

Q. And what were you able to rent it for?

A. I rented it for $1,200.00.

Q. Okay. Would you tell the Court what kind of return you considered that? Was that --

A. Well, on the original investment, that is the price I paid for the house. It's upper of 38 percent or son on equity in the house. It's a little better than 15 percent.

Q. In the fall of 1984, if you had sold your home, could

you tell the Court if you had anywhere you could go and 15 percent on your money?

A. Not that I'm aware of.

Q. Even today, do you know anywhere you can take money and go get C.D.s paying 15 percent?

A. I'm not aware of any rates that high.

Q. And tell the Court whether or not there's any inflation factor that's raising the value in your neighborhood in Irving?

A. Well, obviously the value of the home is increasing, that's the reason, you know, you hold on to the property. Appreciation in the property, return on the investment, and you're building equity.

Q. Will you tell this Court what your one, or not one, but what your largest assets are.

A. My largest asset is obviously my home.

Q. Do you want to sell your home?

A. No, sir, I don't.

Q. Was there any other reason you didn't sell your home?

A. None at all.

Q. Why would you acknowledge or value your Aunt's suggestion that you not sell the house? Why? Because she's friends or what?

A. Well, without delving into her personal business, they're in real estate virtually nationwide and they have been

for -- since what early -- late 50's, I guess.

Q. For the Court's information, Mr. Thomas used to be Trammel Crow's partner in the warehousing business and they separated a few years back?

A. That's right. They have properties as I said nationwide. And they know the value of real property.

Q. All right. Did you work out an arrangement with your Aunt?

A. Yes, sir, I did.

Q. Will you tell the Court, if it's any different than what you've already testified to, if there's any other --

A. No, what I told her, called her and told her the figure and she said that will be fine, we'll just use that amount as the basis of our rent over here. And I said okay. And

she said when would you like to move in? And by that time the six weeks periods were running for Greg. Meanwhile, Steve had come in and he said this arrangement is not going to work. And he said I don't know what we're going to do, but it is not working for me.

Q. What was his problem?

A. Basically, he didn't know where he was going to be sleeping at night sometimes, just, you know, strung out and down the road again and he said: I don't know if I'm going to have to borrow the money or you're going to have to borrow the money, but we're going to have to do something to alleviate this

problem.

And that was shortly before I went over and looked at the house or right after. I don't remember when. It was in the same time frame in there. And I told him, I said, by then I had already told Barbara and I told him, I said: I think we have a solution, Steve. And I told him that we haven't got all the details worked out yet, but it looked like it was final and looked like we would be moving. And he said where is it? And I told him. And he said is that near the school? And I said it's near the school. It's near work.

Q. By the way, will you tell the Court whether or not your -- you had to pay any rent?

A. Oh, I didn't have to pay a dime. I mean she -- she would have opened the door

and I could have moved over there free as far as that goes.

Q. Will you tell the Court why you agreed to pay.

A. I just think it's a business arrangement with her, and I don't -- I mean you help your family, but I don't feel comfortable moving into a house and saying: I'm riding free. When I have income that I can apply toward paying, paying my own way.

Q. All right, sir. Insofar as Greg is concerned, you've told the Court about Stephen. Did you have any concerns about Greg in connection with your anticipated move to Highland Park?

A. Yes, sir I did.

Q. Tell him what those problems were, if any.

A. Well, Greg was obviously leaving his group of friends he had gone through school with and participated in various activities with and this was, you know, a concern on me as to how would he accept the move, giving up his friends and leave?

And so I sat down with Greg and I did not tell him where the house was at that time and I said: Greg, you know, here's the deal. We can move and it will get us closer to work and it will get Stephen closer to school. If we have car problems we'll have public transportation available at the end of the block. And I said: I want you to think about if I ask you to leave Irving do you have any problem with that?

And he didn't say anything at the time.

I said now, you know, think about it and let me know. Well, I believe it was the next day or so we got back together. And he said: Dad, you know, he said depends on where we move. And I said: What do you mean? He said: Well, if we move real far away, he said I might have a problem with leaving and just cutting off everything. He said, you know, Chris, there's a friend of his at McArthur had moved up to Coppell just up the road from Irving, and he said, you know, Chris moved and we still get together, we still talk on the phone and so on. And another friend of his had moved to Grapevine. And he said we're still able to see each other and so on. He said: Now, if we're moving real far away, I might have a problem with it, but if I

can still contact my friends and come back to Irving occasionally. He said if it will help y'all out and if it will get us close to where you need to be and so on, then, you know, I can handle that.

Q. Now, other than discussing that with Greg could you tell the Court whether or not you were going to move anyway?

A. Oh, the decision was made. I mean I was moving.

Q. Where there any concerns that you had in connection with Greg's school activities about the move?

A. No, there wasn't. Well, the type student he is, I felt like going into the academic environment at Highland Park High School which has a national ranking, that he could improve his academic performance level, that is by the type of curriculum they have

over there and the requirements of this school. He would be put into an achieving environment, and into an environment when he expected to do something.

Q. Was there anything wrong with the environment he had at Irving?

A. Nothing at all. Nothing at all. But the reputation that Highland Park carried as far as academics were concerned, was a little stronger reputation than Irving. Irving was a fine system, and he was doing well in the Irving system.

Q. Would you tell the Court what kind of student he was.

A. Well at Irving he was National Honor Society and at Highland Park he's also National Honor Society. We did find the

immediate difference between the two systems when we moved. He was three to five weeks behind in every course when we went into Highland Park.

Q. How did -- what kind of extra curricular activities was Greg participating in when you moved?

A. He was in athletics. He played football and he played basketball. He worked on the annual and he was in the FCA, Fellowship of Christian athletes.

Q. All right. At the time you were actually moving, will you tell the Court what sport, if any, he was participating in?

A. At the time of the actual move he was on the basketball team and he was in the top six players in the rotation of the team on the varsity for McArthur High School.

Q. Did you realize that when you moved

that he would be leaving a starting position on a varsity sport team?

A. Yes, sir, I did.

Q. Did you realize that he might not be able to play on the varsity team at Highland Park?

A. Yes, sir, I did aid discussed that possibility with him.

Q. Did that concern you at all?

A. As far as the move?

Q. Yes, sir. That he was --

A. On, no, sir.

Q. --having to leave. I mean that had no bearing on

whether or not we were going. We were going. I mean I, you know, he was on the starting rotation for the varsity basketball team and we moved.

Q. Do you recall Coach Overton's description of the varsity basketball team, the program at McArthur?

A. It's very strong.

Q. Well, do you recall his description?

A. I don't remember the specific terminology that he used but --

Q. How about the success rate or the success of the team?

A. Very well. He mentioned a 31 and 0 season and district champion, I believe they were last year, I don't know whether he mentioned that or not.

Q. Could you tell the Court whether or not basketball was important to Greg?

A. It was an important sport to him, yes. As a matter of fact, I believe he's probably a better basketball player in my opinion than he is a football player.

Q. In connection with the move, obviously there was a transfer of school records from one school to the other?

A. Yes, sir.

Q. Would you tell the Court how you went about, your family went about transferring Greg from Irving McArthur to Highland Park. Just describe what you did.

A. Let's see, it was on a Friday afternoon, and I went to

the school about -- that would have been I think the 16th of November.

Q. You're going to have to speak up just a little bit.

A. It was on a Friday afternoon. I think it was the 16th of November and I went to the school to talk to Coach Overton. My wife had requested the same day that Greg's paper work be started to take him out of school. I went and talked to Coach Overton, told him we were leaving. And he said -- he was taken aback when I told him. He said he hated to loose Greg, he was a fine young man. He had enjoyed him in his chemistry class; enjoyed having him on the team; and they would miss him.

And I said: Well, you know, we're going to miss you and we appreciate what you've done and the help you've given him as an

individual and a coach and a teacher. And then he said: Well, is Greg going to participate at Highland Park? And I said: Well, I really don't know. I don't know what their program is and I don't know how they feel about Greg being a senior next year if he would even be considered in Highland Park.

And he said: Well, you know, Frank Beavers has got a good program over then I would like to see him try to get in the program. And I said: Well, what's required, you know. And he said: Well, you have to sign a transfer form. He said I don't have one, but I'll get one.

And then he went on to talk about Coach Beavers and

what type of person he was. I had never met Coach Beavers, I didn't know anybody in Highland Park affiliated with the schools or the athletic program over there. And I said: Well I don't, you know, I don't know the man, I don't know what's ahead or anything else. And he said: Well, I'll call Frank about the transfer when we the paper down and they'll know he's coming. And we reminisced, I don't know how long it was, we just talked.

Q. If I can ask you a question. Had you ever had any -- any antagonism at all with Coach Overton?

A. None whatsoever. Coach Overton came into McArthur at a very -- when football was on the bottom. I think they had gone either 0 and 9 or 0 and 10. I don't know what it was. The program was actually devastated. And he came in and I first met him when Greg

was playing basketball. He was all fired up over that 30 and oh season and he was out there going to go for basketball. And Coach Overton was in the gym and I went in to see Greg play a Freshman in there and we were sitting there I didn't know the man and he came up and introduced himself. He said: I'm Coach Ray Overton, the new head coach here at McArthur. And I said: Well, welcome. And we sat there in the stands. He kind of told me a little about where we came from and he said: Do you have a child that plays athletics? And I said: Well, I happen to have one on the court right now. I pointed out Greg and he got to watching him.

Q. All right, if you can tell me from that point, when you first met Coach Overton, how many times do you believe since that initial meeting in the 9th grade when we already know Greg was not participating in football, how many times since that 9th grade have you talked directly with Coach Overton at all about Greg's performance as quarterback or football players, if ever?

A. The time I checked him out of school as far as a specific conversation concerning Greg and his playing and his abilities and such as that.

Q. Okay. Will you tell the Court whether or not you ever had anybody else make recurrent telephone calls or encouraged anybody else to contact Coach Overton to urge that your son had more playing time or anything like that?

A. None whatsoever. The only time that bject was ever brought up directly that I'm ware of was we were at this open house at e school one night and Coach Overton was anding there and we were talking obviously out football and he said he was glad Greg cided to come out. He had actually asked eg to come out and try out for football. said he was glad Greg came out. My wife ys: Well, how do you handle the team as r as who gets to run the first team, who ts to run the second team or whatever, you ow, how do you do this? He said: Yes, 'am, I do. He said I take them, Greg will a quarterback, I take my quarterbacks and have them each one run with the various

teams, the exact number of snaps my coaches keep --

Q. That's the conversation that Coach Overton talked about earlier?

A. That's right.

Q. Other than that, have you ever --

A. None.

Q. Have you made any complaints to anybody in Irving athletic chain including principals, athletic directors, or anything else that your kid wasn't getting to play enough ball?

A. None that I'm aware of.

Q. I would like to take you back to the time when you visited with Coach Overton when he already told you about the transfer form. Will you tell the Court what happened next in getting Greg sent from Irving McArthur to Highland Park?

A. Well, at the same time I was talking o him, or I don't know whether it was xactly the same time, my wife had requested he forms be prepared to withdraw him from chool. They said: We'll have to get his rades together and we'll have to do the aper work and you can pick those up on uesday. So, I went back home and she said: ell, you know, we talked about -- she said hat do we need to do with Greg? What did oach Overton said and I reviewed the conver- ation briefly and she said: Well is he oing to try to participate at Highland Park? nd I said: Well, Coach Overton wants him o. And you've got to get a form from him hat he'll sign and he didn't

DIRECT OF LARRY JONES - BY MR. BOYD

have it in the office today so you'll have to pick that up when you pick up the paper work.

Q. All right. Was there anything else done on that Friday, to your knowledge?

A. No, after I left, you know, we didn't go back out to the school or anything.

Q. Okay. Then on Monday, the following Monday, would you tell the Court what you know of happening?

A. Monday nothing happended because the paper work was in the processes. They told her it would take -- take them through Monday to get it done, she could pick it up Tuesday.

Q. At what date did you actually enroll Greg in Highland Park?

A. On the 20th. I believe it was the 20th, I think, of November.

Q. Was it a Tuesday, the 20th?

A. It was a Tuesday. I believe it was the 20th. We had moved that weekend, finished moving. Gotten in the house that weekend.

Q. So, you had not received any previous athletic participation form before you moved?

A. No.

Q. So you didn't didn't know whether Coach Overton actually in the end would approve it or the administration would approve it or Highland Park would approve it?

A. Not until the day that she walked into Coach Overton. Well, she went into the principal's office is where it occurred, I believe, and that's where they were when Coach Overton signed it and explained it to her.

Q. For the Court's clarification, is it your testimony the move was well prior to the receiving that form?

A. Oh, yes, yes, uh-huh.

Q. Had you been promised anything by anybody that Greg would make the team or be able to play at Highland Park at the time you made the move outside Coach Overton, anybody else promise you anything?

A. I didn't know anybody in Highland Park. I mean I knew my relatives and they didn't have anything to do with the team. And I had a personal friend over there and

called him and talked to him about the academic program. Well, my question to him was: Given the opportunity to move to Highland Park -- he had moved I think four years before -- would you move into Highland Park?

A. And he said definitely, great environment. Great academics. We have some good kids over here. We have our problems as everybody else does. He says it's a fine environment to raise your kids. We didn't talk about, you know, anything else, football. That was about a week before we moved.

Q. The day that you enrolled Greg the 20th, that Tuesday, will you tell us what the proximity of that date was with

picking up all of the records?

A. The same day. Barbara went over Tuesday morning to McArthur, picked up the records, picked up the PAP form, and visited with Coach Overton. Had to take the form down to Mr. Lytal who in turn rereviewed it and had Cecil Green sign the thing.

Q. Have you ever had any indication that anybody from Highland Park had contacted your son about the possibility of playing any sport at Highland Park High School prior to your families actual move that weekend?

A. None. I don't know of anybody that even knew him. None.

Q. What next occurred after he got enrolled all of the other records were submitted, what next happened with the athletic potential that Coach Overton was encouraging?

A. On the day of enrollment they were

in the -- I wasn't there my wife took him up.

MR. NOLAN: Your honor, if he wasn't there then I would ask that he not testify to it.

THE COURT: Sustain your objection.

Q. I'm asking only your personal knowledge, what you --

A. Personal knowledge. I don't know.

Q. Okay.

A. As far as what went on on that Tuesday.

Q. Have you heard various witnesses testifying about the

subject of recruiting through this trial?

A. Oh, yes, sir.

Q. Do you know of any facts that indicate that there was any recruiting at all in this case?

A. None whatsoever.

Q. And just for the clarification of the Court is your Aunt Ms. Thomas acknowledged as a big Highland Park High School booster over there, or fan?

A. She could care less about Highland Park football team or whatever.

Q. All right. What was the next that you were aware that there was some activity about Greg and possibly participating in some sport at Highland Park? For instance, let me direct you to basketball. You said he was on the varsity team at Irving McArthur. What was the situation at Highland Park about

basketball where he was successful?

A. After Barbara had been up there on Tuesday, I don't recall if it was maybe the next day of the following day, I got a call from Bo Snowden, Athletic Director at Highland Park High School. He said: Mr. Jones, I would like to talk to you about this transfer. He said: I don't have any problem, but I need to talk to you. So I didn't know at that time what, you know, what the subject was going to be or what we were to talk about.

Q. Were you called in person?

A. Yes, sir, so I went to his office and sat down and he introduced himself and he said it is our policy in Highland Park that we discuss with the parents these forms. And he explained the form to me. The purpose of the form: to avoid recruiting, to avoid transferring for athletic purposes. Did I understand those terms, et cetera? And I said I did. I knew exactly what he was talking about. And he said: Now, I'm going to have to ask you some personal questions and I don't want you to be offended. But he said how did you happen to wind up in Highland Park? He said I notice on the form, and I believe there's a place there says we did not own the property. And I told him how we wound up in Highland Park. And he says: Do you reside and you have permanent residence in that house?

A. And I said if you mean have we left Irving, yes, sir, we have. He said: Have you got anything over there, you don't have a bed or a hot plate or anything in Irving or anything like that where you're running back and forth?

A. I said no, sir, we're in the Highland Park house. He said: Do you know anybody over here in Highland Park that talked to you about Greg, that talked to you about his abilities or encouraged you to get over her and want him to play football or whatever at Highland Park? I said: Well, I happen to know two ex-coaches at McArthur, but I don't know them. I know their names, they were over there, one of them was

a wrestling coach, and the other one was I think he was a Freshman or Junior Varsity baseball or basketball and football. Anyway, but I didn't know them personally per se. I knew of them because they had previously been at McArthur. He said: Have you had any contact with them? I said: No, sir, I haven't. He said: Has anybody contacted you.

And he drilled me and he went back over the residence. He said: Now, you are living in this house. I said: I am living in this house. He said: If I drive by there tonight, knock on your door at 10:00 you're going to come to the door? I said I certainly am. And he said: Now, I don't want to be offensive to you, but he said I have to be sure because I'm going to recommend this to the District Committee and I'm going to go in and talk to Dr. Powers, and I'm going to

explain to him why this transfer should be approved. He said: I've talked to Ray Overton and I find no problem. Ray says the same thing you're telling me and the basic reasons or need, family need to get this situation rectified for your family.

Q. Okay, after, if I can take a shorthand, after your conference with Mr. Snowden what was your next step in connection with at all with any athletics, not just football, anything?

A. Well, during that meeting he asked me, he said: Would Greg be interested in basketball? And I said: Well, he's interested in basketball, but the 30 day rule, if you move in,

you've got to wait 30 days to play was in effect and by this time he would have been on the team they were already started, such as that. I said: Plus, we don't know how his academic load will be here at this time. We don't know what demands will be on him.

Q. Were you concerned about the academic load that he'd be taking?

A. Especially when we found out where he stood in the classroom at that point.

Q. What did you find out?

A. Well, he had makeup work he had to do in his subjects in order to get current with the curriculum over there.

Q. Did that makeup -- are you telling the Court that makeup had an effect on your attitude towards his participating?

A. Oh, yes, sir, because I knew he needed to be studying, and I knew he needed

time with the books and I asked him, I said: Would you be interested in trying out? He said: It's too late. They've got their team set. And he said: I don't know about what's going to be required of me in my studies.

Q. All right. Did he make any attempt to go out for basketball where a sport in which he had previously been a starting player at Irving McArthur?

A. No, he didn't.

Q. What is the next incident that you can recall in connection with the previous athletic participation form and any

request for his eligibility to participate in UIL activities, particularly the football program which was coming up at Highland Park?

A. We went to an open house and I don't remember how long after that it was at the school and I saw Bo Snowden at the school and asked him, I said: Is there anything else I need to do? And he said: No, we've got everything covered. He said: I've got it all taken care of. And I visited with Dr. Powers and everything is in order. We're on the line with you and McArthur is on their line and everything, you know, we're ready to recommend it and it should be approved. He said I don't see any problem with it at all.

Q. What's the next, that you do recall as far as the process after that meeting?

A. Well, the period of time elapsed in there and, you know, it was just kind of on

hand, I guess, I didn't understand whether they were going to present it because that was never said. And I was one afternoon sitting in my desk in my office and phone rang and it was Greg.

And I knew when he said "Dad" that something was wrong. I couldn't figure what in the world had happened and he said: Dad, they said I can't play. And I said: Who said you can't play? And he said: The committee said we moved so could play football. And I said: What are you talking about? And he said: Well, Coach Beavers called me in his office today

and told me and showed me the letter from Dr. Poteet, and it said that we didn't sell our house and that Irving said that it wasn't necessary, you know, some general terms, and I said, Well, where are you Greg? He said: I'm at home. And I said: Well, I'll be right home.

Well, the day before we had gotten a receipt for a registered letter in the mail and we didn't get in before the post office closed so I hadn't picked it up, and that turned out to be the letter of notification.

Q. All right. Prior to, I think the record is clear, but prior to receiving this letter that your son had been determined in eligibility, had anybody from the District Executive Committee given you any indication they were even going to have a meeting to consider it?

A. I didn't know anything about a meeting period.

Q. Did anybody from Executive Committee invite you in any way to the meeting at some indeterminate time in the future?

A. No, never mentioned to me.

Q. Okay, would you tell the Court if you would have attended the meeting if you had been given a notice?

A. I would have. I would have.

Q. If the committee had wanted Coach Overton there, would you tell us whether or not you would have made those efforts to get him there?

A. I certainly would, if they felt it was necessary. I

certainly would.

Q. What was your reaction to finding out that the committee had not invited you or the coach or anybody else to the meeting to talk to them had denied your son's eligibility request. What did you do?

A. Well, initially I said -- went home and talked to Greg.

MR. NOLAN: I have an objection. I'm sort of anxious as to that, too, but there's a fact not in evidence in that question and that is once you found out they hadn't contacted you, the coach, or anybody else, and I don't think we've got his knowledge at that time that he knew what occurred at the meeting. I think what he testified to is I didn't know anything about it.

THE COURT: You're ahead of

yourself. Sustained.

Q. At that time after you learned that the committee had rejected the request for your son's eligibility, and at that time when you had not been told that the hearing was going to be conducted, what did you do? In other words, the day after or two days, whatever?

A. Well, okay, the first thing I did was, as I said, I went home and got with Greg and he told me that he had been told. He said: Coach Beavers was fixing to leave town. He did not want me, since I had not responded to the letter, he did not want Greg to find out either at school or in the paper or some

other way. He wanted him to know personally. And he said, he took me in his office, and he sat me down and he told me and he said: Dad, I can't play football or anything.

So, at that point, I grabbed the receipt and took off for the post office. And I called, before I left, I called Bo Snowden's office and I said I need to talk to you and he said: Well, I wandered what was going on when we did not get that registered letter from you. I dashed to the post office, got the letter and went to his office immediately, sat down with him.

And I said: Can you please tell me what in the world is going on? And I said: All indications are everything is in order, you know, I visited with you, you've checked me out, Irving has checked me out. Everybody is on the line. Everybody signed this thing. And my last conversation with you was no

problem.

I said now I'm sitting here in front of you with a letter in my hand that says that we have got problems. And he said: Well, Mr. Jones, he said I have never seen this happen. He says I have been around for 27 years, or whatever it is, and he said this has never happended. He said I don't understand it myself.

Q. All right, so what did you do?

A. I started asking him about the meeting. I said: What in the world went on at this meeting? And at first he was kind

counsel, I'll sustain that. You cannot get him to give those details for our information purposes.

MR. BOYD: Your honor, I'm just asking him what he understood because this, I believe, the evidence will show let him -- motivated him to take further action. So I wanted, not for the truth of the matter, and I think that's all Mr. Nolan is asking.

MR. NOLAN: That's all my objection is to.

THE COURT: The Court will admit it for that limited purpose as the information impacted him.

MR. BOYD: Yes, sir.

THE COURT: Not as to whether it was true or

of, you know, reluctant to use --

Q. What did you understand after talking to him that had gone on at the meeting?

A. Well, what I understood from him was that there was bias injected in the meeting. Homer Johnson --

MR. NOLAN: Your honor, we object as to the truth of these matters. I have no objection as to what he heard. As to whether it was actually bias going in or not --

THE COURT: All right, I'll sustain the objection as to the conclusion drawn here. He can talk about facts.

MR. NOLAN: Well, he didn't observe the meeting, so he won't know what went on. He's been told by somebody else.

THE COURT: You are correct,

correct.

MR. BOYD: Yes, sir.

A. He said --

Q. Mr. Jones, what did you understand had happened at the meeting?

A. What I understood happened at the meeting was that he felt that there was bias injected at the meeting through Homer Johnson because Homer Johnson apparently had made some statements about being against transfers, all transfers. He said another indication was that when they made their presentation --

MR. NOLAN: Your honor, excuse me. If it is -- if all we're going to do -- he can say he was disappointed in the meeting. We don't need the details in that to explain the later action.

THE COURT: I believe you do, counsel, to see whether or not, the Court is

not -- is going to depend on other evidence as to the veracity of the information. But as to what his background and basis was for whatever he did. So it's limited to that purpose.

A. He said -- he said and when we made our presentation of Greg at the meeting he said they -- that we changed our story. And I said: What do you mean changed your story? He said: Well, we made the presentation, just like I wrote it up talking about the reasons for moving, commuting, the dental

student, et cetera, an we talked about -- yeah, academics for Gregory was a consideration also.

And because we did not mention those in the same breath, it was stated by Homer Johnson that we had changed our story as we were talking. And I said: Now, wait a minute, I don't understand that. You mean because you didn't mention both subjects at the same time in the same breath you changed your story? He said that's the way I understood him to say. That he had raised a doubt in his mind because we were changing our story.

And then he got on to the subject of -- I said. Well, what other things did they consider? He said: Well, Dr. Poteet started raising the question that he had gotten this

anonymous phone call and a good quarterback. He said McArthur football player was transferring for athletic purposes, was the term I believe he used, to Highland Park High School. And he had received this anonymous call and went on to dwell on the anonymous call for awhile.

There was a discussion at the meeting, according to Mr. Snowden, he said questions were raised about: Wait a minute, what are we doing? We've got a valid form i our hand that's a sworn statement. We have accepted it. We have investigated. The sending school is on the line. They have accepted it and recommended it. Now, what are we doing here?

This is the first time this had been done. And I said: Well, what did they say? And he said: Well, Dr. Powers suggested after -- he said Qualls had gotten up an gotten into the -- some fabricated story about all of this conflict.

Q. Excuse me, are you telling the Court that Mr. Snowden called it a fabricated story?

A. Yeah, he did, he used that term. He said: You know, they had some fabricated story about conflicts that i personally had had with the coaching staff at Irving. They had had problems with Greg. That they had htis big controversy brewing over there. It had the fans divided. The booster club wa divided. It was, youknow, the picture they painted, they said everybody had fist fights

in the stand and all kinds of good stuff. He didn't say those terms, but that was kind of a real heavy on this big conflict and all of that stuff. And he said: Mr. Jones, I know those aren't true because I have talked to Ray Overton and Hobart Lytal.

Q. You were about to say something about Dr. Powers after they went through that.

A. Oh, Dr. Powers, he said during all of this it came up that did Ray overton really know what he signed? He said that subject was thrown out on the table. And they had some discussion on that. And he said Dr. Powers said I think he said Qualls is the one that was talking about maybe he didn't know what he signed. And he said Dr. Powers said -- he said:

Charlie, do you mean to tell me that you don't think a coach that's been in business as long as he has and doesn't know what he signed? Is that what you're trying to tell me, Charlie? As a matter of fact, Dr. Powers told me that himself. That he --

Q. Go Ahead. I'm interested only in what you understood from your conversation with Mr. Snowden.

A. So, he said at that point Powers suggested if there was a big problem with this, why don't we pick up the phone and call Ray Overton,

Q. All right.

A. And why don't we maybe even bring him over. And why don't we maybe even invite the Joneses over here if this is the way we're going to handle this thing? He said

-- I believe he said Powers said are we setting a precedent here. And at that time he said they moved off of that and decided to let Coach Qualls call Coach Overton and see in fact if he wanted to remove his name from the form. And then --

Q. What else did you understand happened at the meeting?

A. Basically anti-Greg Jones per se.

Q. Was there a vote taken to your understanding?

A. Oh, yeah, there was a vote taken, sure, it was unanimous against him.

Q. Now, at that point after talking to Mr. Snowden and being informed of these things, how did that impact you, what did you do?

A. I said do you mind or he said: You might want to talk to Coach Beavers because I may not have, you know, I might --

Q. Who else did you talk to?

A. I talked to Coach Beavers. The next day I went over and visited with him. He told me essentially the same story.

Q. All right, did you talk to anybody else?

A. Briefly talked to Dr. Powers over the phone. And he said I tried. I don't recall when that was. He said I tried, you know, my suggestion was that we maybe get y'all over there at that time, but --

Q. Other than Dr. Powers, Coach Beavers who confirmed what Coach Snowden had told you, did you talk to anybody else?

A. I called back over to Overton and I

said: Coach Overton -- No, I think I went over to Coach Overton and I said: Do we have a problem? In that meeting Coach Qualls says we've got a big problem.

And he says: Mr. Jones, we have never had a problem. I have never had a problem with you, your wife, or anybody else. Never had a problem with Greg. And they talked about all of this controversy, he said, and he said Charlie Qualls called me several times on this and he kept trying to bring all of this in. And he kept trying to tell me that.

MR. NOLAN: Your honor, I object to this for the truth of the matter. For other purposes unknown to me I suppose it's okay but as to whether this is true or not --

MR. BOYD: We understand his objection.

THE COURT: It is sustained for those purposes.

A. And he said I told Charlie that there wasn't any conflict or anything like that. There was competition over here, and they had not been even, you know, I think one year the boy was, one of them was in California, the Hall boy. And the next year, the J. V. and one on the varsity. The only time they had head up competition was the Junior year.

Q. He told that to Qualls.

A. That's what he said he told Coach Qualls. And I said: Well, can you explain to me what's happening here? I thought if the sending school and the receiving school

signed these things and they investigated and presented it to the meeting that we didn't have any problems. He said: We never have. This is the first one.

Q. After talking to Coach Overton, did you talk to anybody affiliated with the Highland Park Independent School District other than the ones you've talked about?

A. I talked to I believe he was the attorney for the school district.

Q. Why did you call him?

A. At the recommendation -- Well, I, in my mind by then, knowing that Homer Johnson controlled four votes in my mind his attitude was already, you know, there's no way that we're going to get Greg Jones' eligible through this committee. I called

him at the recommendation of a friend to find out what to do. And he said --

Q. For the Court's edification, was this Dick Grey?

A. I believe it was, right. Visited with him a little bit about it and he said: Well, what you'll have to do, he said, they've got to change their mind or their decisions are final. They can't be overruled by Austin or anybody else. He said: What you've got to do is they've got to change their mind or the only alternative you've got is to go to the courthouse. I said you mean I've got to sue these people? He said basically unless they --

Q. Did you check with anybody at the Unversity Interscholastic League?

A. My wide did. She made a call.

Q. Did you, after your wife checked with the University Interscholastic League, after her check with them, can you tell us whether or not you ever learned of any appellate process in the UIL?

A. Oh, no. The indication to us was votes are final. UIL does not overrule, and that type.

Q. What was your next course of action?

A. My next course of action is when I got home after work I started calling, well, I got some calls from some people in Highland Park saying: Mr. Jones, we understand what happened to Greg, and we don't believe it, and here is an attorney for you.

I had two or three names of two or three attorneys. And your name came up in conversation through a friend of mine.

Q. All right. Now, you visited with me and what did you decide to do after visiting with me?

A. I decided to go ahead and file the case. I felt that was my only recourse to get a fair impartial hearing to get it in front of a jury or a judge that was totally unconnected with this matter that could understand what we were trying to do here, what I was really trying to accomplish in view of the family situation.

Q. All right. At any time after you filed suit did you ever ask yourself or your family or your representatives, including your attorneys, did you ever ask the UIL to

do anything after you filed suit?

A. The only thing that was asked of them was after we were in the --

Q. No, I'm asking did you ever make a request of the UIL? I'm not talking about --

A. Oh, me? No, I didn't.

Q. Okay. And did you ever instruct your attorneys to ask for any hearings or anything else from the UIL?

A. No, sir, I didn't.

Q. And for clarification, to what body were you working for relief from what had happened at the March 20, 1985 meeting?

A. The courts.

Q. What body?

A. The Courts, the legal system: impartial, unbiased.

Q. At sometime after you filed suit and after depositions were taken in May, did you learn of a request by the UIL concerning another hearing, another meeting?

A. We got a letter from Dr. Poteet inviting us to a meeting. And it said they would do basically the same thing they had done the first time and I didn't see any need to acknowledge it.

Q. Did you instruct me to respond to that?

A. I sure did.

Q. And those are exhibits in evidence, right?

A. I believe they were.

Q. And for clarification, is Plaintiff's Exhibit 2 the letter you're talking about from Dr. Poteet?

A. Yes, sir, it is.

Q. And Exhibit 3, June 20 letter from me to Dr. Poteet, is that the response you directed that I make?

A. That is, right.

Q. All right, sir. Have you ever changed your position from the position you instructed me to make?

A. In that letter?

Q. Yes, sir.

A. No, sir, not at all.

Q. Other than in connection with settlement, just

settlement discussions, have you ever agreed in any way to consider another hearing in connection with any other district commitee of the UIL other than in connection with settlement discussion of the district court of U.S. courts?

A. Other than the judges, personally, none.

Q. Yes.

Q. Did there came a time, Mr. Jones, when you were notified that the UIL was going to conduct a hearing?

A. Yes, sir.

Q. And that was set eventually on August the 9th, 1985?

A. Right, uh-huh.

Q. Did you request that meeting?

A. No, sir, did I not.

Q. Why did you attend?

A. It involved my child and I went over there just to see what would be done this time knowing what had gone on the first time to see if they basically would do it again.

Q. After hearing the testimony from Coach Qualls and the things that he said about you and the coach and about the boys, would you tell the Court how you evaluate his statements? Are they true, false? What are they?

MR. NOLAN: Your honor, his evaluation of somebody else's statements is irrelevant. He can say what I think the facts are.

MR. BOYD: Let me rephrase it, your honor.

THE COURT: Sustain your objection. The question is withdrawn.

Q. Do you recall Mr. Qualls' statement in testimony that he reported to the committee that Coach Overton had told him that you were moving so your boy could get a fair chance to play. Do you recall that testimony?

A. Yes, sir.

Q. Was that true?

A. In my mind it's definitely not true. It was totally a false statement.

Q. Did you ever tell Coach Overton that you were moving so that your son could get a fair chance to play?

A. I did not.

Q. And in connection with any controversy, do you recall Coach Qualls' testifying

that there was a big quarterback controversy at Irving McArthur?

A. Right.

Q. Were you aware of a big controvery at Irving McArthur?

A. I was not aware of a big controversy at Irving McArthur.

Q. Did you attend the games?

A. I attended the game several years.

Q. Did you ever observe controversy, disruption of the fans, of the booster club over any of those quarterbacks?

A. Other than individual players having individual supporters, which some cheer for this person, that person, a normal fan support, no. There was never any animosity, harshness, whatever. There wasn't a big big controversy.

Q. Did you ever hear of any controversy between players?

A. I didn't hear of any that came over the house frequent. I mean they would come over and they would hang around and watch T. V. or whatever. I wasn't aware of any.

Q. Would you tell the Court the actual relationship between the Shawn Hall boy and your son, the actual relationship. Was it controversial or what?

A. They were competitors and each one was trying out for the same position. They

went to each other's homes. Greg has been over to the Halls' house; they've been to the same parties together, they were competing in clean competition. I don't know of any personal problems between them at all.

Q. Can you tell us, do you recall Coach Qualls' statement in his testimony that he reported to the committee that the boys had been competing since the 9th grade head to head and the Hall boy always seemed to get the better edge of it. Do you remember that comment?

A. Right, uh-huh.

Q. Can you tell the Court whether there's any truth to that?

A. Well, in the 9th grade Hall was in California, Greg

was in Irving.

Q. Could there have been any competition while they were in California?

Q. Not that I'm aware. 10th grade?

A Greg was on Junior Varsity, Hall was on varsity as defensive back.

Q. Did they in 10th grade compete with the Junior Varsity quarterback?

A. Not that I'm aware of. Well they went to the games, they sat up in the stands with us, so I don't know of any competition.

Q. So in the 9th and the 10th grade, was there direct competition of any kind between Shawn Hall and your son?

A. No, No.

Q. So Coach Qualls' statement to the committee that since the 9th grade there's been direct competiton and the other boy

seemed to win out, in the 9th and 10th grades, would you tell the Court whether or not that's a true statement?

A. Absolutely false.

Q. Is there even a shred of truth to it?

MR. NOLAN: Your honor, I object. The statement was by Coach Qualls that he had been told by Coach Overton, and not that Coach Qualls was saying that.

THE COURT: We'll take it in the context that you have brought it to the Court's attention, that it was stated,

that he said Coach Overton said this, which Coach Overton has denied.

MR. NOLAN: Right. And excuse me, your honor, Coach Overton said since the 8th grade.

THE COURT: I understand. Since he's been there.

MR. NOLAN: No, no, your honor, there's a distinction here. Coach Overton on the stand related that he told them there had been competition in the 8th grade. He wasn't there, but he had told him that he had been told there was competition.

THE COURT: In Junior High?

MR. NOLAN: Yes, before Coach Overton got there.

THE COURT: Counsel, at this point I'm only interested in McArthur High

School.

MR. NOLAN: Except, your honor --

THE COURT: This is a Junior-Senior year and I'm not going back four years into Junior High School.

MR. NOLAN: But what I'm saying is is that Coach overton said to him.

THE COURT: Because that is picking up old bones too far.

MR. NOLAN: I understand that, your honor, I'm not interested. I don't care about the 8th grade except for this point, if I can just say this, please, Coach Overton said I may have told him there had been competition since the 8th grade

and that Greg Jones had been beat out, but I don't know what happened till I got here in January of his Freshman year.

THE COURT: The record will reflect what he said, counsel.

MR. NOLAN: Yes, your honor, and just so the 9th and 10th are not the only two years that Coach Qualls was referring to about Coach Overton's statement.

THE COURT: He has just simply pointed out that they did not participate in competing position in the 9th, 10th.

MR. NOLAN: Mr. Boyd asked him so that question that Coach Qualls said is untrue. And that's the point I'm getting to, that the statement that Coach Qualls said is not necessarily untrue because they didn't compete in the 9th and 10th grade because he

is saying Coach Overton told me they had been competing since the 8th grade.

THE COURT: Since the 8th grade, would mean the 9th and 10th, counsel.

MR. NOLAN: That's right, your honor.

THE COURT: So I don't care to argue further.

MR. NOLAN: Okay.

THE COURT: Please be seated. I'm not angry, but I just don't care to argue that point. It's very clear to me.

MR. NOLAN: I think I just hadn't made my point, I'm sorry, your honor.

THE COURT: You have.

DIRECT OF LARRY JONES - BY MR. BOYD

Q. Mr. Jones, do you recall Coach Qualls' statement that he testified to up here that he told the committee that there was bad feelings between your family and Coach Overton?

A. Yes, sir, I do.

Q. And you've already been over that. Will you tell the Court if there's any truth to that whatsoever?

A. None whatsoever.

Q You've already talked about your contacts with the coach, correct?

A. Yes, sir.

Q. Will you tell the coach, so the record is clear, did you send your wife down to the practices to try to influence the coach and play your boy more?

A. No, sir. No, sir, I didn't.

Q. Did you send anybody else down there to try to influence that coach, get your boy to play more?

A. I occasionaly would drive by when I would be getting in from work. Most cases it would be just at the end of practice; sit in my car up there for a minute or two, and most time when I got there they would already be breaking up and going over for their last session. And then I would go home. You know, I would be there maybe five or ten minutes and go home.

Q. I would like to take you to the August 9, 1985 meeting that the UIL called. And you've already testified why you went

there. Did you intend to even call any witnesses at that hearing?

A. It wasn't my hearing.

Q. And why did you go if you didn't want to go?

A. As I said, basically because it involved my son and I wanted to just find out. I knew what they had done the first time. I just wanted to see if they would do it again the second time, or if they were trying to clean up what they did the second time.

Q. All right. Mr. Jones in connection with filing this suit, did you agree to pay me reasonable and necessary attorneys fees for your representation?

A. I sure did.

Q. And whatever my customary fees are

were discussed with you and you agreed to that?

A. Yes, sir.

MR. BOYD: We pass the witness, your honor.

THE COURT: We'll have about a ten minute recess, then we'll have cross-examination.

(Whereupon a recess was had.)

MR. BOYD: I have a few more questions.

THE COURT: Are you ready. We're ready to proceed.

Q. Mr. Jones, I will show you Exhibit 13, which purports to be a letter from Mr. Nolan addressed to me, your attorney,

and ask if you can identify it.

A. This is a notice of the rehearing of the 9 AAAAA District Executive Committee.

Q. Called by whom?

A. Called by Mr. Nolan and UIL.

Q. Okay, sir.

MR. NOLAN: I have no objection to that letter, your honor.

THE COURT: It is admitted.

MR. BOYD: Pass the witness, your honor.

THE COURT: Very well, cross-examination.

MR. NOLAN: If I could have a question was read back.

(Whereupon the last question was read back.)

CROSS-EXAMINATION

BY MR. NOLAN:

Q. Mr. Jones, isn't it true that you really attended that second meeting to see if the -- you attended that on purpose, in fact, you brought your attorney with you so that you could have a second hearing as to the eligibility of your son Greg?

A. It's true I brought my attorney with me to that meeting. And we had tried before this meeting to have a meeting in a neutral site as requested by the federal judge.

Q. I'm sorry, I just want to talk about the August 9th, 1985 meeting that was held at Mesquite. Isn't it true that you attended that meeting specifically for the purpose of working

within the UIL frame work within the UIL system to have them decide this dispute?

A. No, sir, I didn't. I didn't think we'd get a fair verdict there.

Q. Well, whether you thought that you would prevail at that meeting or not, in fact, the reason that you went there in an attempt to have to settle this dispute concerning your son at that meeting?

A. I didn't go there for that purpose. As I said, I didn't anticipate a change in verdict.

Q. Mr. Jones, I suspect that when you attended the meeting simply to watch because you were curious or whether you attended it because you wanted to work with the system and see if this could be resolved, that's sort of what your intent was, wouldn't that

be sort of hard to figure out, wouldn't it?

A. What my intent was in attending that meeting?

Q. Yes, sir.

MR. BOYD: Your honor, I only object to the question to the extent are you asking it's hard for him to figure it out?

MR. NOLAN: Hard to be figured out by someone else.

A. Would you ask that again, then? I don't exactly now what --

Q. You have testified today that you attended basically

as a spectator, you went -- you wanted to just watch. And I've asked you the question, I said: Isn't it true that you came and you brought your attorney and he cross-examined witnesses because you went there to work within the system, to work within the University Interscholastic League to work with the system and get this disopposed, resolved, and you said: No, that's not the reason.

A. I try to explained to you about this judge requesting a hearing and we --

Q. I'm sorry, I just prefaced my question, and I said: Your intent as to why you really went there, that would be hard for other people to figure out, wouldn't it?

A. It might be.

Q. Just like your intent as to why you

moved might be hard for other people to figure out?

A. Not based on facts.

Q. They would have to look at facts to try and figure out from those facts why you moved or why you attended that hearing, is that correct?

A. And the conduct of the hearing and such as that.

Q. Mr. Boyd is your attorney, isn't he?

A. Yes, sir, he is.

Q. I'm going to show you what's been marked as Defendant's Exhibit Number 1 and ask you if you can identify that for me.

A. It's a letter saying we've got a summary hearing.

Q. Who is that a letter to?

A. It's to you.

Q. And who is that letter from?

A. Sam Boyd.

Q. All right. Did you look at Mr. Boyd's signature?

A. Yes, I did.

Q. Does that appear to be his signature to you?

A. Appears to be.

Q. Would you please read the first sentence of the first full paragraph on page 2 of that letter?

A. "In an attempt to work within the system we attended a hearing on Friday in an effort to resolve the dispute." --

Q. I'm sorry, would you loudly please read only the first.

THE COURT: Again a little slower.

A. "Within an attempt to work with the system, we attended that hearing on Friday, August the 9th, in an effort to resolve the dispute."

MR. NOLAN: Thank you.

MR. BOYD: Your honor, at this time we would make a motion under the rules that Mr. Nolan not preclude the witness from also reading from the top of the page, which I think would be very instructive. It's exactly what the witness has said about Judge Buchmeyer. We would make a motion at this time that

he be allowed to read that.

MR. NOLAN: I don't have any problem with them introducing -- the whole thing is in evidence.

THE COURT: The Court right now will allow it, call for that so we can have the context of the remark.

MR. NOLAN: Okay, you want the paragraph before that?

MR. BOYD: I really think that from "Dear Peter", because it's very short. From "Dear Peter" through what he just read. It's very short.

MR. NOLAN: Let me read that so we can make sure we can hear it:

"Dear Peter, the State District Court has granted a hearing on the motion for summary judgment to be hearing at 9:00 A. M.

on August 19th, 1985. Further, the Court is aware that you had previously agreed with this firm to use diligence in filing your response to your motion for summary judgment by August 12th, 1985. In order to facilitate your circumstances, a filing up to and including Friday, August 16th, 1985 will be acceptable. Although we very much appreciate the efforts which you have made in attempting to accomplish a fair and equitable settlement of this dispute, it has now become obvious that an out of court settlement will be next to impossible."

Let me stop just here. This is a letter dated August 12th, 1985.

THE COURT: What is the Plaintiffs Exhibit Number --

MR. NOLAN: It's Defendant's Exhibit 1.

THE COURT: Thank you, continue.

MR. NOLAN: "There are several reasons for this statement. First, you are certainly aware that the family formally objected to an invitation to attend a second executive hearing for fear of continuing manifestations of bias and prejudice towards Greg Jones. The UIL, and the Executive Committee refused to accommodate the settlement structure which we attempted to pound out during our hearing with Judge Buchmeyer, therefore, we were between a rock and a hard place when notified that the Executive Committee would none the less hold a second

hearing with or without the Jones' presence. In an attempt to work with the system, we attended that hearing on Friday, August 9th, 1985, in an effort to resolve this dispute."

MR. NOLAN: Do you want me to read the whole letter?

MR. BOYD: Yes, sir.

MR. NOLAN: "Such effort was unfortunately futile. Once again the Executive Committee rejected the only credible evidence which demonstrated the lack of any move on the Joneses part for athletic purposes. Further, the form lacked the impartiality for which we had hoped. Instead, the presence of the the previous committee called for the same prejudice and

basis, which contaminated the first meeting. The presence of Homer Johnson, coupled with that of Mr. Qualls, served to remind the voting members of their priorities. In our opinion therefore, the new hearing was a failure insofar as we had hoped for an impartial setting. Thus, in order to hopefully facilitate Greg's interest" --

The rest has to deal with summary judgment motion.

MR. BOYD: Yes, I think so. It's very short.

MR. NOLAN: "Thus, in order to hopefully facilitate Greg's interest into UIL sponsored sports, we must push forward in the state district court. As you know, our motion for summary judgment was filed at the end of June 1985. It is now close to mid

August and we are awaiting the response to our summary judgment. As per my letter July 22nd, 1985, and the request of the court, we are therefore expecting a response no later than August 16th, 1985. Due to the school year time table, it has become impairative to finally and fully resolve this dispute so that Greg may be giventhe chance to participate in UIL sponsored sports. We appreciate your efforts in resolving these matters, but he time is now upon us to determine whether or not a trial would be a necessity before the fall athletic activities are under way at Highland Park High School. Should you have any questions or comments, or if we can be of any assistance to you, please do not hesitate to call this

office. Very truly yours. Sam Boyd."

A. Would you repeat that question and I'll give you -- can I give you my interpretation of working within the system. You said UIL. To me, working within the system was the Judge as I tried to get you to let me say. When he requested an impartial neutral ground that was within the system and you said the UIL. No, I didn't go to work within the UIL system. We had already been in the UIL system at that time.

Q. And is that the federal judge you're talking about?

A. Yes, sir.

Q. And at that time did your attorney inform you that your case had been sent to state court because the federal court said that there weren't intervening questions, no

questions were raised which he could even consider?

A. Had he done what now, sir?

Q. Had your attorney informed you that you were no longer in federal court because the federal court had said: I've looked at these questions that you've raised and you don't have any questions, even assuming all of facts that you have said, you don't have any questions that I can even consider. Had he told you at that time that it had been remanded to state court.

MR. BOYD: objection, that is not what the order says,, it does talk about the Marony case. The Marony case itself does not state there were no constitutional issues made, particularily the familial privacy area.

THE COURT: Let's go into that area. The Judge did remand the case to the state court.

MR. BOYD: He did. Made no ruling on the merits and Mr. Nolan submitted no motion for ruling on the merits.

THE COURT: Does the order --

MR. NOLAN: Yes, your honor, I'll read the order.

THE COURT: Let's have the order just for our own information.

MR. NOLAN: The order. In view of the --

THE COURT: Give us the date of the order, please.

MR. NOLAN: 5th day of August, 1985. "Order: In view of the attached opinion in Marony v. University Interscholastic

League, and they give the cite, this Court has no jurisdiction in the Plaintiff's constitutional attacks upon a State Board ruling concerning eligibility for high school athletics does not raise a substantial federal question. Accordingly, this case is remanded to the 193rd Judicial District Court of Dallas County, Texas."

Now, I won't paraphrase it, let's just use that order I just read. Had your attorney informed you that your case had been remanded just as that federal court said?

A. It was going back to the state court, right.

Q. And certainly he knew that it was no longer in federal court when he wrote that letter?

A. Apparently he did.

Q. So he couldn't have been working within the federal court system?

A. I didn't mean strictly federal court, I mean the Court system itself. Working within the system to me interprets working within the Court, not -- you said the UIL --

Q. I understand.

A. -- system.

MR. NOLAN: At this time, I would move for the admission of Defendant's Exhibit Number 1.

MR. BOYD: My only objection is that it does concern settlement matters. And I think those are privileged. But that was the entire intent of the letter since the entire rehearing structure was part of the

settlement, if a proper decision was rendered. There was never a discussion even before Judge Buchmeyer about giving up any legal rights and the Court will notice in the letter, I urged Mr. Nolan to respond to the summary judgment.

Nobody is giving up anylegal rights in the court. And the rest of that, which has to do with another hearing related to an effort to get a favorable result from the District Executive Committee. So that the courts would not have to be bothered. That was the whole purpose.

THE COURT: The Court does admit the exhibit over your objection specifically in view of the testimony back and

forth about what was his presence there. The Court considers this would be informative, not only to this Court, but to an appellate court.

MR. NOLAN: And I would simply point out to the Court that this letter was written a week after this case was taken out of the federal court.

MR. BOYD: I don't know what Mr. Nolan's statement means, but I don't guess there's really an objection since he's not testifying, but I don't see that that has a thing to do with settlement or me asking him to respond to our legal motions in the letter. I just don't know what his comment referred to.

MR. NOLAN: Just pointing out for whatever it's worth, your

honor.

THE COURT: All right, sir.

Q. Mr. Jones, would you please tell the Court and me what it is that you're here complaining about.

A. The way the decision was reached at the initial meeting based on bias, anonymous phone calls, fabrications, and personally attacking me and those assumptions and assertions, and the fact that as apparent, a decision that adversely affected my child and those conditions, when he knew those conditions. I could not let it go unchallenged. I had to seek recourse.

Q. If in that first hearing you had been there to tell everything you knew and Coach Overton had been there to tell

everything he knew, and those people had not known anything about you or your son and had not been biased or prejudiced and they would have let you say whatever you wanted to say and listened to everybody and made a decision, would you have had a complaint?

A. Depending on the decision. I mean --

Q. Let's say it had been adverse to you.

A. If it had been an adverse decision, depending on how it was reached. If they said I had to sell my house, had to do this, or had to do that, and ignored the fact that we moved. The issue here is why did we move? Did we move for athletic purposes? I did not move for athletic purposes. I moved for family purposes. And that is the reason of the move.

Now, if they construe the fact that he is a quarterback, then that's the thing they're xeroxing in on, I would have a problem with their decision. If if is based on our needs of the family unit at the time and they base it on that, and it was an adverse decision, and I didn't need to move, then I probably wouldn't have any problem with that type decision. But to put it in the light of school against school, position, support, you know, that takes it away from the real meaning of why I moved. And that clouded -- and that was the dominant theme in my whole thing.

Q. So your answer was yes to my question?

A. My answer was if it was an adverse decision that I felt was improperly reached, I would still take this course.

Q. And by improperly reached, you mean if you disagreed with their judgment, even if you had no reason to believe that they were biased?

A. Yes.

Q. Or prejudiced? If you disagreed -- simply disagreed with the judgment, because you thought they had made the wrong decision based upon the facts?

A. I sure would. That's right. If I know why I moved, and I know that it's not for athletic purposes, I sure would challenge it.

Q. So it wouldn't make any difference in that first hearing if they had called you

and they had called Coach Overton and had not been prejudiced, if they would have come up and said: Mr. Jones, we disagree with you, and we disagree from Coach Overton, and from what you told us, Coach Overton, we're going to hold it's a move for athletic purposes. That's your basic complaint that they had disagreed?

A. No, sir, if I had been invited to the first meeting as a witness, I would have done what I had done here. I would have brought all of the parties together, and I would have told it to them. I would have brought the property owner in. I would have brought my son in. I would have brought myself in. I would have brought Coach Overton in. I would have brought Highland

Park in.

Q Well, Highland Park was there.

A. We would have all been there. And then we would have been able to have an exchange of information.

Q. Okay, Highland Park was there. You would have brought yourself and Coach Overton and Greg?

A. No, Steve.

Q. Oh, I'm sorry, Steve.

A. And the property owner.

Q. And you would have brought in your aunt?

A. Right.

Q. Is there anything that your aunt or Steve could have told the committee that you couldn't have told them?

A. I could tell them, but, you know, hearing it from me versus hearing it from

them they say: Well, that's hearsay, speculation, maybe.

In other words, if I had known I was going to be put on trial at this thing, I would have tried to put as much witnesses in my favor to explain the situation as I could.

Q. Where did Steve live when he was going to Baylor and lived in Waco?

A. He lived in Waco.

Q. In a dorm?

A. He shared an apartment with three other boys. They had a two bedroom.

Q. How did he get around in Waco?

A. He had a car down there.

Q. When he was in Waco, did he visit the home a lot in Dallas?

A. No, sir, he didn't. He would come home frequently. Not frequently, every other week, or once a month, something like that, or we would go down occasionally to a ballgame. He wasn't up and down the highway all of the time to Waco.

Q. So he was mainly in Waco and y'all were mainly in Dallas.

A. Yes, sir, he was also active at Baylor University in student activities and Vice-President of the student body and such as that. So he was active on the campus and spent a lot of time in Waco.

Q. Was Greg active at the McArthur

Irving at his high school in Irving?

A. Was he active?

Q. Right. You mentioned I think the Fellowship of Christian Athletes?

A Yes, sir, Fellowship of Christian Athletes. He was on the annual staff, worked in that area. He was student of the month one time. And he, well, primarily centered around athletic programs: football, basketball.

Q. What was his position with, or did he have a position with the Fellowship of Christian Athletes?

A. Not that I'm aware of. He was just a member. I don't believe -- he never did hold -- he never ran for office. He chose not to run for any political office at the school.

Q. When you -- when your attorney was talking to you asking you questions at that August 9th hearing, why don't y'all go into the repair of the cars as you told the Judge today.

A. I said we had commuting problems, and I think you challenge the people that if they had questions that arose, they were to ask me for the information. And I didn't, at that time, didn't think of it. Commuting problems was what I had.

Q. Did you mention any commuting problems other than being on the freeway and

time and distance?

A. Up and down the road all of the time. At that meeting I don't think I did. The problem there relates to time.

Q. When did the school start in the fall of 1984 for Steve, when did fall semester start?

A. I believe it was the last week in August. First of September, last week of August. Last of August, I believe it was.

Q. So before Labor Day?

A. Yeah, I think it was. I'm not sure on that.

Q. Did this year start before or after Labor Day? That's just this month.

A. I'm trying to remember when Tech started and when they started. I'm getting the two confused. I don't know for sure.

Q. At the District 9 AAAAA district hearing that you attended on August the 9th, why didn't you tell the committee about the family concerns specifically Steve's sleeping problems, taking the pillow and the blanket with him?

A. I didn't -- I don't know why I didn't. Again, if they had questions about anything I said, you instructed them to ask.

Q. Or about how hard dental school was andyour concern with him keeping up?

A. I would say that's an assumed. I mean if you -- if you know anything about higher education, and if you have a student then you're going to be concerned, and you say these people are educators. They should have understood that as a given.

Q. Why didn't you explain to them about

the economics, the talk with your aunt, and the percentage returns that you told the Court today that you would make on your money?

A. Again, being educators, I assumed they knew something about the value of real estate and something about equity, something about return on investment, you know, I thought he was speaking to an intelligent panel there.

Q. Do you think -- you don't mean to slide us or the Court by explaining that to us today, do you?

A. No, sir, I don't, but I have -- after those meetings, you know, I'm putting, dotting every "i", crossing every "t", whatever you want to say. I mean if it takes the facts, and if

you want all of the facts, I'll give you all of the facts.

Q. Do you recall when you first talked to Steve about his commuting problems or when he first talked to your?

A. It was during this first year the subject came up. As I said, I got to where I had -- it was in the second semester there. I got to where I would challenge him sometimes on: Do you really need to make this trip? You know, and that was the first time the issue arose. And at that time, I don't know exactly when that time would have been.

Q. When did you first learn of subchapter "h"?

A. When I visited with Mr. Boyd. And we started reading the -- yeah that was the first time when I visited with Mr. Boyd.

Q. Is that the visit you had with him

about this litigation?

A. During one of the visits about the litigation or early on we started reading on, I mean, I don't know the exact date, but it was during a visit to Mr. Boyd's.

Q. Do you know when Greg first learned about subchapter "h"?

A. I don't know if Greg knows about subchapter "h".

Q. Before this litigation, before you went to see Mr. Boyd, I take you you didn't know Mr. Boyd before this litigation started?

A. No, sir, I didn't.

Q. Okay. Before that time, before litigation, did anyone tell you that the schools had adopted subchapter "h"?

A. I didn't have any reason to talk to anybody about what they had adopted.

Q. Would it be sake to say before this, at that time did you rely upon subchapter "h"?

A. Before the litigation did I rely upon subchapter "h"?

Q. Yes.

A. Specifically?

A. Yes.

Q. Not specifically I didn't.

Q. Did you rely upon the schools using subchapter "h" before this litigation started?

A. I relied upon the schools using the UIL rules and I believe that is included in that manual there.

Q. Okay, specifically before the litigation started, did you rely upon the schools specifically using subchapter "h"?

A. No, sir.

Q. I meant before?

A. No.

CROSS OF MR. JONES - BY MR. NOLAN

Q. To your knowledge, do you know if the basketball coach at Highland Park ever called Coach Overton or any other coach or school official at Irving?

A. I don't know, because I don't know the basketball coach.

Q. You don't know if they called when Greg got there the first to check on his eligibility?

A. No, I certainly wouldn't.

Q. While you were at Irving and before you moved to Highland Park, did you ever tell any of your friends or other parents who had children in Highland Park that you wished that Greg had more playing time as quarterback? Did that subject ever come up?

A. We would go to some games with some friends of ours and sure, I'm a parent, I wanted him to be number one. I would like to

have seen it more, yeah, it probably came up in conversation: We would like to see him in the game more.

Q. So, that's not something you kept a secret to yourself, you would talk about that if the subject came up?

A. I didn't dwell on the subject, you know, I didn't go out and harp on it. If we're talking about how is your boy doing such as that, well, you know, he got in the game, I would like to see him do more, yes.

Q. At that second meeting, the meeting of August 9th, 1985, the only one that you were able to attend, did anyone stop

you from telling anything you wanted to that District Executive Committee?

A. No, they didn't.

Q. Was your -- did I not only ask you a couple of basic questions and what happened? Did your attorney ask follow up questions after that?

A. Yes, you did.

Q. Who suggested that you call Dick Grey?

A. I don't remember who it was.

Q. Was it somebody from Highland Park?

A. It was in the -- I don't know whether it was with the schools or in the community about, like I say, I got two or three calls along at a given time there saying, you know, I can recommend an attorney.

Q. Do you know how these people who called you, how they knew about --

A. I really don't. I didn't even know

them at the time. I did not know of some of the people at the time.

Q. Were the people that called you from Highland Park, do you remember their names?

A. I sure don't.

Q. Did you say why they called you up out of the blue if you didn't know them?

A. They said they had heard what had been done to Greg by this committee and how the decision was reached and they thought

he got a raw deal on it, was one of the terms that one of them used.

Q. Did they call you shortly after you had talked to the Highland Park people?

A. I don't know what time frame it was in. I had already talked to the Highland Park people, but I don't know how long a time frame or short a time frame or anything else.

Q. Did they call you before you went to see Mr. Grey?

A. I didn't see Mr. Grey.

Q. Or talk to Mr. Grey, I'm sorry.

A. Some of them did. There weren't, but, I don't remember how many calls I got. Three or four calls.

Q. Do you recall how long it was before you saw Mr. Boyd and you filed lawsuit?

A. Between what?

Q. Between the time you first saw him

and the time you first filed your lawsuit?

A. No, I don't. We had an initial meeting and I explained what I had found out. And he said -- we talked about retainer, et cetera, and he said --

MR. BOYD: Your honor, at this time, I don't a particular objection as long as it's just time.

MR. NOLAN: I don't need the conversation. I just want to know how long it was before you saw him and you filed the lawsuit.

A. I saw him within, I would say within a week. I talked to him initially at the initial meeting. I talked to him over the phone first, and, you know, I said what was going on -- I would like to talk to you about this. And I went in to his office and I saw him and then I guess within that week we got the thing rolling. Or that was my understanding. I mean after that visit with him, we kicked it off then as far as I knew.

Q. No, you said you had some calls from people telling you you ought to sue and then you got some people that suggested Mr. Boyd's name. Do you recall who suggested Mr. Boyd's name?

A. My cousin and a personal friend.

Q. And how did your cousin find out about the situation?

A. He knows Mr. Boyd personally and

socially.

Q. How did he find out you were in need of an attorney?

A. He's my cousin. He's my aunt's son.

Q. Is this something that you had talk to him about?

A. His mother apparently had talked to him about it.

Q. How did your aunt find out about it?

A. I told her.

Q. That's what I wanted to know.

Now, you said upon questioning from Mr. Boyd that you believe after your -- that you never asked the UIL for anything after a certain period of time. You weren't the one that asked for the setting or you didn't ask them for anything?

A. That's right.

CROSS OF MR. McNABB - BY MR. NOLAN

Q. All right. Do you remember Mr. Nolan asking you if you were aware of a federal ruling involving the Marony case?

A. Yes, sir.

Q. And were you also made aware by your attorney of the recent Supreme Court of Texas case named Witworth that said federal standards are minimum and that Texas Courts do give additional protection above and beyond federal standard?

MR. NOLAN: Your honor, I object, that's totally irrelevant. If he wants to argue that case, I don't have any problem with that.

THE COURT: All right, give me a moment, please.

THE COURT: I believe we're extending it further than we need to go. It was alluded to as to the legalities of appeal

Q. And I just didn't catch after what point in time you didn't ask them for anything. Did you ever ask them

A. I didn't -- I wasn't aware I was asking them for anything. I mean --

Q. So at any point in time, you never asked them for anything?

A. Excluding a neutral site for a housing where we might could reach a settlement.

Q. And that was in our discussion with Judge Buckmeyer?

A. Yes, it was.

Q. Excluding that.

A. Not that I'm aware of, I never asked for anything.

MR. NOLAN: That's all of the questions that I have at this time.

THE COURT: Very well, redi-

rect.

REDIRECT EXAMINATION

BY MR. BOYD:

Q. So far as you know after the unfavorable decision of the Executive Committee was your family called to the UIL headquarters the last that you can recall seeking any kind of information?

A. Are you talking about the first meeting?

Q. Yes, sir.

MR. NOLAN: Your honor --

THE COURT: Hold your answer, please.

MR. NOLAN: I know what he's talking about. I'm not sure the record will reflect that it's the March 20th.

A. Okay, March 20th.

Q. Okay, will you tell the Court when you called the UIL headquarters?

A. I didn't call them, my wife did.

Q. I understand. When was it though, what point in time?

A. It was the same day we found out that Greg had been denied.

Q. Okay.

MR. NOLAN: Your honor, as to the content of that telephone conversation, before he said I called or I thought he said that. I may have misheard it.

THE COURT: I think he said my

wife called.

MR. NOLAN: I would object to any of the conversations about the truth of the matter. That his wife called. I have no objection, of course, but what she was told by the UIL, and whether it's true or not, I do have an objection to that.

THE COURT: If she were here she could testify, but I will sustain the objection.

Q. After the call to the UIL, were you then aware of any appellate procedure at all to higher levels?

A. Not at all after that phone call.

and things of that nature. I think we're just going further than we need to go.

MR. BOYD: Yes, sir.

Q. Do you recall Mr. Nolan's question about whether or not you relied upon subchapter "h"?

A. Yes, sir.

Q. Do you recall your response that you relied upon them using the rules?

A. Right.

Q. As far as you know, is subchapter "h" a part of the UIL Constitution and Contest Rules?

A. In my mind they are. They're in the book.

CROSS OF MR. McNABB - BY MR. NOLAN

MR. NOLAN: I object, your honor, that's totally irrelevant as to what's in his mind at this time as to whether it is or not. Whether it is or not is before the Court. And that's certainly relevant as to the issue, but his opinion is not relevant.

THE COURT: He's already gone over this one time with you. I realize this is redirect examination, and the Court considers that he pretty well stated his position at that time. I don't know that -- you may finish up, but I don't think it will change what he's already said.

MR. BOYD: I don't want to do that. I just want him to make full the picture, and I think I can do that in another question or two.

THE COURT: Let's see if you can.

Q. In connection with the UIL's processing of your son's previous athletic participation form, could you tell the Court whether or not you thought there were any standard of fairness involved, your own opinion?

A. I assume that there was. I assume that we had some recourse on a decision such as this. In other words, I thought we could just go in and they would some way to say let's call another meeting or another panel or whatever the situation might be and correct this situation.

Q. Okay.

MR. BOYD: We have no further questions, your

honor.

THE COURT: Anything else?

RECROSS-EXAMINATION

BY MR. NOLAN:

Q. Mr. Jones, one question: You said I assume there was a way to correct the decision. If there was away to go back and have it heard again, would you have chosen that way if they would have had a procedure like that?

A. If it, you know, stipulated that factual evidence, valid evidence, not hearsay, not speculation, not anonymous phone calls, you know, not fabrications, in other words, tell the truth is what I'm saying, if that were all there, and if you have the opportunity to speak, and if you are beforehand told of what is expected in one of these meetings, that is bring and fire your best shot, because this is the last chance you're

going to get, yes, I think so. But I think it is lacking and I think they need to do it.

Mr. NOLAN: I have no further questions.

MR. BOYD: Thank you, your honor.

THE COURT: All right. The witness may step down.

MR. BOYD: Your honor, I call myself, if Mr. Nolan has not objection on attorneys fees.

MR. NOLAN: No objection, and I don't require that he be sworn, your honor.